



AMERICAN FORK CITY PLANNING COMMISSION AGENDA

**Regular Session
August 16, 2023
Wednesday 6:00 PM**

**American Fork City Hall
31 North Church Street
American Fork City, UT 84003
<https://www.americanfork.gov/AgendaCenter>**

Planning Commission Members

**Christine Anderson, Chair
Chris Christiansen, Vice Chair
Jenny Peay
Bruce Frandsen**

**Rod Martin
David Bird
Harold Dudley**

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on August 16, 2023, at the American Fork City Hall, 31 North Church Street commencing at 6:00 PM. The agenda shall be as follows:

1. **Regular Session**

- a. Pledge of Allegiance
- b. Roll Call

2. **Common Consent Agenda** (Common Consent is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda).

- a. Approval of the August 02, 2023, Planning Commission minutes

3. **Public Hearings** (Public Hearings is that class of Commission action that requires further discussion on General Plan changes, Zone changes, and Code Text Amendments that alter the land use characteristics of American Fork City. Public Hearing items will have the chance for the public to speak upon)

- a. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Typical Waterman Taps, of the American Fork City Municipal Code. Amending Section 15.01.1390, the Code Text Amendment plans to update and create standard water details for American Fork City.
- b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Typical Secondary Watermain Tap, of the American Fork City Municipal Code. Amending Section 15.01.1395, the Code Text Amendment plans to update and create standard water details for American Fork City.
- c. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Valve Box Detail, of the American Fork City Municipal Code. Amending Section 15.01.1400, the Code Text Amendment plans to update and create standard water details for American Fork City.

4. **Action Items** (Action Items is that class of Commission action that requires further discussion on Preliminary Plans, Final Plats, and Site Plans that alter the land use characteristics of American Fork City. The Planning Commission will have authority to approve Preliminary Plans and some Site Plans, depending on the zoning district said Site Plans are in. Final Plats and some Site plans will be recommended by the Planning Commission to the City Council for final action)

- a. Review and action on an application for an Accessory Structure, known as Sabin Accessory Structure, that is 1000 square feet or greater, located at 770 N 350 E,

American Fork City, UT 84003. The Accessory Structure will be on approximately 1.05 acres and will be in the Residential (R1-9000) Zone.

- b. Review and recommendation on a proposed Annexation Agreement, known as AF Utah LLC, located at approximately 6899 S 7750 N, American Fork City, UT 84003. On approximately 13 acres, the property will be annexed into American Fork City and be given the Transit Oriented Development (TOD) zoning designation.

5. Other Business

- a. Upcoming Projects

6. Adjournment

Dated this 3rd day of August 2023

Patrick O'Brien

Development Services Director

**The order of agenda items may change at the discretion of the Planning Commission Chair*

**AMERICAN FORK CITY
PLANNING COMMISSION REGULAR SESSION**

August 2, 2023

The American Fork City Planning Commission met in a regular session on August 2nd, 2023 at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Christine Anderson, Chris Christiansen, David Bird, Jenny Peay, Bruce Frandsen, Rodney Martin, Harold Dudley

Staff Present:

Travis Van Ekelenburg	Senior Planner
Cody Opperman	Planner I
Ben Hunter	City Engineer
Angie McKee	Administrative Assistant I

Others Present: Ben Wheat, Kevin Mulney, Jordi Barrett, Trevor Hodgson, Michael Roderick

REGULAR SESSION

Chairwoman Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

1. Minutes of the July 19th, 2023 Planning Commission Regular Session.

A small word change was requested by Chairwomen Anderson prior to the motion.

Chris Christiansen motioned to approve the Common Consent agenda.

Rodney Martin seconded the motion.

Voting was as follows:

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Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE

The motion passed

PUBLIC HEARINGS

a. Public hearing, review, and recommendation on an ordinance amending Section 17.4.402 of the American Fork Municipal Code relating to permitted uses in the General Commercial (GC-1) zone.

Cody Opperman reviewed the background information for public hearing item letter a: The applicant has applied for a Code Text Amendment to amend Section 17.4.402 of the American Fork City Municipal Code. The proposed amendment looks to make a clarification to the permitted uses that are also applicable to the CC-1 zone but seeks to add a restriction to residential use in the GC-1 zone. This amendment helps to promote commercial development in the key GC-1 zones throughout the city.

Bruce Frandsen: Can you put up the zone map so we can see that GC-1 zone?

Travis Van Ekelenburg: Sure, Give me one second. Bruce, did you want to go anywhere in particular?

Jenny Peay: Will you show us where the GC-1's zones are?

Cody Opperman: Yeah, so just a little bit to the southeast side of the city, and then there is also a little component on the west side, just west of the CC-2 zone.

Bruce Frandsen: So, you are saying in the GC-1 zone, you do not want residential?

Cody Opperman: Correct. So, it'll exclude kind of like the multifamily that is allowed in the CC-1, but just exclude it in the GC-1.

Chairwoman Anderson: I think what this does is it preserves our passages, our main passages, especially areas that we want to present as commercial. It preserves those from getting huge apartment complexes that would use up that commercial space. I do think that that GC-1 zone in the center of the map there is maybe wider than what I would, in the future, want to have defined as a no residential area. I think that will be adjusted over the next 18 months as we redo our map

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here. But I do think this is a good step to preserve those corridors that we would prefer to have visible commercial area. Especially these big roads.

Rod Martin: That's 500 east right there?

Chris Christiansen: And State Street.

Chairwoman Anderson: In the future, I would like to see, you know, possibly a narrowing of the GC-1 zone along those corridors, so that behind the commercial we can have more residential as a possibility.

Cody Opperman: Yeah, kind of like having your multifamily behind your commercial aspect?

Chairwoman Anderson: In time, but this is the step that we're at right now.

Bruce Frandsen: There is currently quite a bit of residential in that GC-1 Zone. That's a fact. So, do you think we will get around to getting that map done?

Chairwoman Anderson: What is our schedule for redoing the zone map?

Cody Opperman: It is pretty far out. I would say most likely around the 18-month timeline already stated. Right now, we're still working on the municipal code rewrite, so that takes up a little bit of time versus the whole general plan update.

Chairwoman Anderson: So, any residential within these zones would be grandfathered in, but new development would not be allowed as residential.

Cody Opperman: That is correct, yes.

Public Hearing Opened

No Comments

Public Hearing Closed

Jenny Peay: I do have a question, does this change the existing residential tax base or change how that's assessed?

Cody Opperman: I don't think so. As long as it's residential property, it'll still be residential tax. If they ever do change the property use from residential to commercial, then it would be a commercial tax base.

Chris Christiansen: It really doesn't change anything because they're already in the GC-1 right now. So, it would just be if it ever changes in the future.

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Chairwoman Anderson: If anyone is ready for a motion, we can entertain that. I did have one thought, and it's just with the wording. So, section 17.4.4 to section B, reads in a way that's a little confusing to me. It's this red portion that is in the packet. "Any use permitted in the CC-1 (Central Commercial Zone), except for residential, is subject to the same conditions and standards." So, I want your take on that. Does that sound to you like any use except for residential is subject to the same conditions and standards, or am I inserting that "is" and that changes it? Does that read well to all of you?

David Bird: Basically, it's saying that if you're not residential then you're subject to the other GC-1.

Chairwoman Anderson: But to me, it doesn't say residential isn't allowed. It says residential isn't subject to conditions and standards.

Chris Christiansen: What you're suggesting is we change it from as it reads now to any use, except for residential use, is permitted in the CC-1 Central Zone, and is subject to the same conditions?

Bruce Frandsen: Christine, what are you suggesting? The punctuation makes a big difference.

Chairwoman Anderson: I know Cherylyn put this all together, so it probably reads legal.

Rod Martin: I don't think that creates a problem, or someone would be able to fight it or anything.

Chairwoman Anderson: So, if you are residential, you don't have to follow?

Rod Martin: And you didn't before. It's just preserving the residential use from having to comply.

Chairwoman Anderson: Oh, so this isn't saying residential isn't allowed?

Rod Martin: It's preserving what they have now in the residential.

Jenny Peay: Maybe in front of subject we need to add "is" subject?

Chairwoman Anderson: I think it makes sense the way it is I was just expecting a different sentence than what it was.

Cody Opperman: I do think that 'subject to the same conditions and standards' is supposed to be relating to CC-1 projects in the GC-1 zone. So, it's just really excluding the residential aspect. That's where that 'except for residential uses' comes in, so no residential uses are going to be in the GC-1 zone, but any other use in the CC-1 zone is still subjected to the same conditions as it would be in the GC-1.

Chris Christiansen: That's how I read it, but I can also see how it could be interpreted that way.

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Chairwoman Anderson: Okay, now that I understand that [we can proceed.]

Rodney Martin moved to recommend approval for the proposed Code Text Amendment, amending Sec. 17.4.402 of the American Fork Municipal Code relating to permitted uses in the General Commercial (GC-1) zone and providing an effective date for the ordinance.

David Bird seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE

The motion passed

- b. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Hazardous Geographic Mitigation Map, of the American Fork City Municipal Code. Creating Section 17.22, the Code Text Amendment plans to identify sensitive land conditions that are common throughout the City.**

Chairwoman Anderson noted that Public Hearing letter b was pulled from the agenda by staff.

- c. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Landscaping in the I-1 Zone, of the American Fork City Municipal Code. Amending Section 17.5.121, the Code Text Amendment plans to create new regulations for landscaping within an Industrial Zone.**

Cody Opperman reviewed the background information for public hearing item letter c: Staff has initiated a Code Text Amendment to amend Section 17.5.121 of the American Fork City Municipal Code. The proposed amendment looks to create new regulations within the I-1 Zone for landscaping. There will be minimal landscaping in the I-1 Zone as the zone intended for heavier industrial use.

Jenny Peay: Do you have an example?

Cody Opperman: So, what really kind of initiated this code text amendment is there's a project down southeast in American Fork; it's next to American Eagle, the concrete area. So really, they

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want to have the street frontage beautified, but as for anything in the back it kind of hinders having some landscaping islands in the area with the large trucks coming in and out and so on and so forth. Also, having kind of a larger storage area in the back and maybe landscaping won't allow them to do.

Chris Christiansen: So, the other thing in the industrial area, their operations will create a little bit more dust, and some of that stuff can cover that vegetation and make it difficult for it to survive. So having that to where we push it out to the frontage. Still keep the beauty aspects, but also look at the practicality of an industrial area.

Chairwoman Anderson: It also says they shall be required to shield neighboring properties from the industrial use on property. So, there's still the screening element, and then mostly frontage.

Public Hearing Opened

No Comments

Public Hearing Closed

David Bird moved to recommend approval for the proposed Code Text Amendment, amending Section 17.5.121, titled Landscaping in the I-1 Zone, relating to new regulations for landscaping within an Industrial Zone and providing an effective date for the ordinance.

Jenny Peay seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE

The motion passed

d. Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Water Details, of the American Fork City Municipal Code. Amending

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Section 15.01, the Code Text Amendment plans to update and create standard water details for American Fork City.

Chairwoman Anderson noted that Public Hearing letter d. was pulled from the agenda by staff.

- e. Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as the Skidmore Property, located at 6411 N 5750 W, American Fork City, UT 84003. On approximately 7.62 acres, the property proposes to change from the Residential Very- Low Density designation to the Design Industrial land use designation.**

Cody Opperman reviewed the background information for public hearing item letter e: The Skidmore property is currently going through an annexation process with the City in order to connect utilities to the adjacent property located on the west. As the property is under annexation, in order to achieve a Planned Industrial Zoning designation, the underlying land use will need to be Design Industrial resulting in this Land Use Map Amendment. Currently, if the Skidmore property were to be annexed without this Land Use Map Amendment it would follow the current land use designation which would be Residential Very – Low Density. The zone at the time of annexation would be a residential zone.

There is a project soon to be developed. One of the requirements for this development is to have utilities running through it, that can really only be done going through this specific property that we're talking about today. The property is currently Utah County territory. We can't have American Fork utilities going through Utah County property. So, this property is under annexation into American Fork city currently, to include the utility lines to go to the next property to the west. But in order to have an underlying land use plan, industrial land use or whatever is annexed into the city follows the underlying land use. So, if it was a residential very low density then upon annexation the zone would be a residential zone. But in order to get the planned industrial zone, you needed to have a design industrial land use line underneath. So that's ultimately the history and also the reason behind this land use map.

Chairwoman Anderson: Thank you, Cody. Questions for planning?

David Bird: Can you go back to the map, Travis?

Travis Van Ekelburg: Which one?

David Bird: The one that you just had up that showed the property. Is it surrounded by industrial zones on both sides?

Cody Opperman: Yes. That is correct.

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David Bird: What is exactly straight north of where that property is?

Cody Opperman: Yeah, it's still going to be the residential low density land use, but I also believe if we go to the zoning map, I think that's still Utah County territory just north of it.

David Bird: I'm wondering where the Vineyard Corridors are going to go through. Will that affect this at all?

Cody Opperman: No, not that property. It's just a little bit north.

Bruce Frandsen: You see that diagonal line? That is what that is.

David Bird: Oh, that's what that is? Okay.

Bruce Frandsen: Obviously, you know, I'm familiar with that parcel. But I'm wondering, does our code prohibit [...] You said something like you can't have city utilities running through county property. When did that change? My house is in the county, and I have conduits to the sewer line that comes through to my house on my property, and so does my nephew and my son. Is that in the code? I mean, I know in the past, we have done that.

Ben Hunter: Correct. So, it was probably within the last two years or so that some of the changes have been made in regard to being able to do that. You know, some of the concerns have just been obviously, like yours that is already existing is grandfathered in and things like that. But any new connections are not made in part being due to the ability to facilitate and make sure that our main lines can handle additional flow and other things. I think it was actually a city attorney that had brought forth that code change. But anyway, it was about within the last two years or so that change happened.

Bruce Frandsen: I personally find that problematic. If they want to run a sewer line through that strip of land that runs through the county, I don't know what the problem is in doing that. I'm having a hard time seeing any liability for the city. If they get an easement, they can drive across the county property that somebody owns and fix their sewer line.

David Bird: Is that a county regulation or a city regulation that made that change?

Ben Hunter: So, the city regulation as far as I'm aware, is more so in line with making new connections to laterals and things like that. So specific property, a specific parcel that's building a specific building is where our code change has that restriction. As far as on the county side or anything like that, that'd be a different procedure and would follow any other different rules and regulations from the county side. But I know the code change specifically is more so for individual laterals and individual connections that way.

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Bruce Frandsen: So, you can run a main line through county property?

Ben Hunter: I would have to look back and see, because I think that particular section of code was just more specific to a connection and being able to provide the service.

Chris Christiansen: That's what I remember too. The old code allowed county residents to connect and avoid paying the impact, but they are going to have an impact in the overall system, so this was a way to make sure that if you're going to connect, the appropriate impact fees and everything else were addressed at the same time as the connection.

Bruce Frandsen: Well, they still pay the impact. I paid my impact; My son paid the impact. I obviously was not here two years ago, but the city collected the impact fees. I don't know, I just have a hard time blocking someone who is trying to run a main line connection or access, across another neighbor who happens to be in the county, but says 'Sure, you can put your sewer line across my property'. Then we can say 'No, you can't', when both of the landowners are in agreement. If they like the idea, the city can still collect their impact fees, the TSSD still get theirs. But we say, "No, your only option now is to get your neighbor to annex into the city". Down on that end of town there is a lot of potential for this stuff, because it is a checkerboard of city and county, city and county, and we say, "Well, you can't do anything because your neighbor is in the county".

Rodney Martin: I think it has a lot to do with services and liability. If they are going to be using our utilities, I really think ideally, if the city is surrounding all of these things, it really should be annexed into the city, because the city is providing services, fire, police, and that stuff. Roads, all the infrastructure, but that's a discussion for another day. I think the requirement is they really need to be annexed in, and I support that.

Chris Christiansen: In this case, too, this property is all going to be entered into one ownership, right? So, it's not someone else's property. It's theirs. They're just annexing everything in. I guarantee they have plans to develop that whole parcel as well, it's not just the access or roadway access, I think that was an issue as well.

Bruce Frandsen: I think we ought to change the zoning, I think that's clear. It's just the comment about the annexation.

Cody Opperman: Yeah, that's in the future. I just wanted to kind of give a background about the property. This is just the land use map amendment for the property. In the future, you'll see this property for a future annexation, so you'll still see that agreement.

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David Bird: To me it just makes sense that if the services are provided by the city, then the property should be annexed.

Bruce Frandsen: The county maintains the roads down there, the city doesn't. Let's say you have a legal problem, the Sheriff comes. The city doesn't. They say, "You don't even belong to the city, call the Sheriff".

David Bird: And again, that would all be uniform.

Public Hearing Opened

No Comments

Public Hearing Closed

Bruce Frandsen moved to recommend approval for the proposed Land Use Map Amendment, located at 6411 N 5750 W, American Fork City, UT 84003, from the Residential Very – Low Density designation, to the Design Industrial designation, subject to any conditions found in the staff report and recommended by the Fire Marshall.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE

The motion passed

- f. Public hearing, review, and recommended action on a land use change from Design Industrial to Institutional Lands, Schools and Public Facilities for land at approximately 9 W 1100 South, American Fork City, UT 84003. The Land Use Map Amendment will be on approximately 4.35 acres and is currently not annexed into the City.**

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Travis Van Ekelburg reviewed the background information for public hearing item letter f: The subject property is currently going through the annexation process and at the July 19, 2023 meeting, the Planning Commission voted a positive recommendation to the City Council for annexation. This is to clear things up for a future roadway through there.

Public Hearing Opened

No Comments

Public Hearing Closed

David Bird moved to recommend approval for the proposed land use change from Design Industrial to Institutional Lands, Schools and Public Facilities for land at approximately 9 W 1100 South, American Fork City, UT 84003, subject to any conditions found in the staff report and recommended by the Fire Marshall. The Land Use Map Amendment will be on approximately 4.35 acres and is currently not annexed into the City.

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	NAY
David Bird	AYE

Chairwomen Anderson: Bruce, you are welcome for the record and for City Councils benefit, to share what your opinion is on this if you want to.

Bruce Frandsen: Well, I guess it was all of a sudden, and I missed it. I'm guessing that in reading, this was for a road to go through there. I don't remember discussing the master plan about a road. Is that UDOT? Is that the easement?

Ben Hunter: This is one that we're currently working on to update the master transportation plan. Part of the concern is that through this particular area of the city, as development goes on, that when the Pony Express comes through that area, it will have limited access on the adjacent roads. For emergency responders, they would basically have a pretty large area where they would have to loop all the way around blocks in order to get through there. Not all of the north and south streets would tie in and connect to the Pony Express. This is an updated roadway that

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we are including in the updated master plan, to incorporate a way to provide the emergency services in that area to have that accessibility. It will be a city street.

Bruce Frandsen: So, it is kind of like a frontage road?

Ben Hunter: Yeah, basically.

Bruce Frandsen: So, this is going to be similar to Pioneer Crossing?

Ben Hunter: I don't know UDOT's Plans.

Bruce Frandsen: That's the reason for the right of way. It's going to be similar to Pioneer Crossing, and now we are saying we want to put a frontage road on Pioneer Crossing. It doesn't make sense to me. We have not secured the properties for the two-mile stretch through the city. I don't know why we need a frontage road on Pioneer Crossing. I mean, Lehi does it. Yeah, you have businesses, you have homes right against Pioneer, and I guess they haven't had a problem with supporting fire, police or whatever. I just hate to see us keep chunking up the ground down there. We can put in a 150-foot Pioneer Crossing, and then, well we're the city, we should put in another 80 feet of Frontage Road. Geez, it's already got a chunk of land down there, that whole PF stretch and easements and everything. I don't know, that's just my opinion.

Ben Hunter: Yeah, basically this would be about a 50-foot wide right of way that is anticipated. You also have three powerline corridors running through there. It goes in between the two powerline corridors that you're not going to be able to really build buildings in between there or anything like that.

Bruce Frandsen: But it is useable ground for a landlord or developer. They could put a parking lot there, or whatever. We're going to take another, I don't know how many acres that is for two miles, maybe another 100 acres for frontage road on a main road.

Ben Hunter: It'll generally be within the 100 East and 100 West area. Then as you approach 500 East you've got some accessibility to get through in that area. 500 East, at least on the latest plans and information we have. It's not going to be the entire stretch of the Pony Express that's going through there. It was just where there was an area where we had limited accessibility to be able to get through that Pony Express. That is where the frontage road will be placed.

Chairwomen Anderson: Okay, Thank you.

The motion passed

ACTION ITEMS

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Chairwoman Anderson noted that action items letters a. through d. would be and discussed together and voted on separately. The staff reviewed each item and the background information for each project.

- a. Review and action on an application for a Preliminary Plan, known as Roderick Catalyst Business Park Phase 3, located at approximately 1600 South 150 East, American Fork City, UT 84003. The Preliminary Plan will be for approximately 32.73 acres and will be in the Planned Industrial (PI-1) Zone.**

Travis Van Ekelenburg reviewed the background information. The applicant has applied for a Preliminary Plan to develop a business park on the south end of the City. The Preliminary Plan proposes to create 4 new lots for the development of the Roderick Catalyst Business Park. The applicant has acknowledged that they do not meet certain criteria that staff is requiring as a part of their submission, but has requested to move their proposal forward, with missing required elements of their plans that would enable staff to provide a positive recommendation. The preliminary plan does not meet the requirements of section 17.7.205 And section 17.7.206 Staff recommends denying the application for the preliminary plan to allow the applicant to resubmit and be required to follow these sections of municipal code and the city's master plan as related to their proposal. Also, the applicant does have a small presentation as well. I just wanted to add that before we move too far forward.

Chairwomen Anderson: Okay, we'll have questions for planning and then we'll hear from engineering and then we'll have the applicant come forward. Any questions for planning at this point?

Jenny Peay: I would kind of like to see the presentation before making comments.

Chairwomen Anderson: Engineering, did you have any introductory comments for this one?

Ben Hunter: I'm basically saying there's still some outstanding comments that don't conform to the master plan or the current municipal code. Until those comments are addressed then engineering will continue to have those concerns.

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Chairwomen Anderson: Okay, thank you. The applicant is here, you are welcome to come forward and state your name. I'm told you have a traffic study that you'd like to share?

Mr. Ben Wheat presented information on his projects. See Attachments #1 and #2.

Ben Wheat: Yeah, Travis has the slide presentation, that would probably be the first thing to go over.

Chairwomen Anderson: I guess just for the record, in the future, if you do have studies like this, it's really helpful for the commission to get them so that we can study them along with the packet beforehand.

Ben Wheat: There should be another attachment.

Travis Van Ekelenburg: This is the only one I have.

Ben Wheat: Melissa was supposed to give you a PDF.

Travis Van Ekelenburg: Which one is it? Okay here we go.

Ben Wheat: That is it. The only reason I put together this package is that this is the third phase of our business park here in American Fork. Our company has purchased over 100 acres down there, and we currently have a nine-building business park plant. We have finished up two of the buildings, and we are finishing up two other ones. Then we have five more to go. We have been working diligently with Ben's [engineering] department and it's gotten us to kind of the two-yard line. I wanted to just recap and go over a couple of the items that like staff said, we're not conforming to. This is the prototype model that we're building down here, this is a class A industrial building. This is building one that's right along 1500 south and 500 East. This is what each one of the buildings is going to look like. So far, we've had great market acceptance with tenants moving in there. We've got the first two buildings fully leased, two buildings that we're bringing on to the market and one of them is 100% leased. With the other building, we've got three letters of intent that we are currently negotiating. It's been a project for us, we've enjoyed working with staff, we just want to keep moving. Travis, if you go to the next slide, these are just a couple of pictures. This is just again, the elements that we're trying to incorporate down there. We are long-term owners of our company, so this is something that we take great pride in, in terms of trying to develop. With heavy landscaping and great products, this is something that's going to be a legacy asset for our company, and we will probably never sell. Again, that's the finished product for building one. This is just kind of a very basic overlay of what we've done so far. Phase one is the first phase that we've done with buildings one and two. Phase two is what we're finishing up now with buildings three, four and five. Then the red element there is the four buildings that we're currently in for, and one of the four items on today that is a subdivision. This third phase would wrap up the first nine buildings and then we still have some ground to the

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south of us on 1700 South as well. In terms of what staff was referring to, and the items that we're going to talk about today. The staff has just listed, in terms of what they can approve and cannot approve in the building code, and some of the elements. We feel like we're providing a product that is super beneficial for the city, and something that we've been consistent with in our first two phases. The first item relates to the site plan for building six and eight. The city has a master plan for a 10-foot bike path, which we've incorporated and followed through phases one and two. It's a 10-foot bike path, so instead of a five-foot sidewalk, it's a 10-foot sidewalk. It's part of the city's master plan to create the bike path, which we're all in favor of, as myself and our general partner are big bikers. All we're trying to do here is just reroute the path. In the first phase the pathway follows 1500 South and 500 East and that's basically following the adjacent right of way on those two streets. The current bike path in today's plan would line the back of a truck court in one of our industrial buildings. This is where all of the trucks are parking and traveling, not really creating an environment for a bike path. At least that's what we think. All we're trying to do is shift that to the right of way slightly to the west of the building. This next slide will kind of show that. The blue line is what the Master Plan bike path shows. In that plan, Ben, correct me if I'm wrong, the initial intention for the development of the bike path was to be following old canals and ditches and that type of stuff, right?

Ben Hunter: So, it's been a combination. In some instances, it was following slews, ditches and canals which I know Bruce, you can attest to this. One year may very differently than another for a slew. In some of the storm drain masterplan modeling, some of those areas were identified to potentially maintain an open space or continue to be an open slew just because of the water flows that would be able to come through there. Some of them have followed those slews and those paths for maintenance purposes, in order to be able to access and maintain those flows. I believe that's what this particular one was following. I don't remember which rivers, you probably know better Bruce, which slew it is. But yeah, it's something to note.

Ben Wheat: The portion of the blue line between buildings five and six, has already been piped with 60-inch pipe, so we're still continuing the path and want to incorporate the bike path into it. We're just putting it to the front of the building on buildings eight and six which would be adjacent to a right of way. The next few slides just demonstrate what we've built so far. So, this is the bike pathway the way we built it as part of phase-one along 1500 South. We incorporate it obviously within our landscaping. We develop it, and we maintain it. We feel like this is an inviting pathway for someone to feel safe and to ride a bike. Again, this is the pathway down 500 West towards American Eagle. Again, we incorporated in our landscaping, fully maintained. The next couple of pathways are just an example of a property just to the west of us. So, this is the boat harbor that is the same pathway and has the same requirements from the city. This one was developed to follow a slew, and not what ours would look like. You can see the different variation of what an inviting bike path along a right of way would be, verses something following a slew. That kind of wraps up the first topic.

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I don't know if the Planning Commission wants to talk about each one of these as they come up, or all at the end I'm happy to accommodate.

Chairwomen Anderson: You can go ahead and continue until we have questions.

Ben Wheat: Okay, sounds good. The next one is just the dumpster design. We've built seven buildings in American Fork City between our North Point project and our Catalyst project. The city only has one detail for a dumpster design. We feel like the dumpster design is something that we would incorporate in one of our retail projects or our parcel buildings. It doesn't really associate with something like this. We feel that a dumpster enclosure should be away from the public eye and screened. We're still trying to accomplish all of those things. The next couple of slides will kind of show that. The slide on the left is the only detail that the city has for a dumpster. It calls for landscaping across all three sides. We're placing these dumpsters in the back of the building in the truck court, where all the truck traffic is and not in front of the buildings in view of the public eye. We're still providing screening with gates. We still have a six-foot wall on all three sides, and this is the element of design that we've been using for the last seven buildings. The detail has been in your in the city code since 2010, it's just kind of catching the eye of staff now. The next couple of slides that Travis will go to are just an example of what these trash enclosures look like. Again, they're in the back of the buildings and they're fully enclosed. We include that little gap there. We used to do a different design in our industrial buildings where we had a roll up door. We found the tenants would always leave those roll up doors open. The little gap there will allow someone to go in, throw garbage over there, and not have to actually open and close that gate. That gate will only really be open and closed when the trash guys come and pick it up. This design has worked really well. When we drive through our properties, these are closed, contained and screened from the public eye. This is what we've done in the last four buildings at Catalysts along with the three buildings we've done at North Point. Those two items relate to the outstanding items that are on the site plan for six and eight.

The other two items here that we'll talk about are related to the subdivision application and then the final plat. The first one is a temporary cul de sac on 1700 South. 1700 South is the street that American Eagle fronts and is the very furthest south street on our project. As part of phase two, we completed 1700 South all the way to the edge of our property. TSSD is the property owner to the west of us. They have an application in with Ben's department currently, that would take 1700 South through their property, after Boat Harbor Road, for a future lift station. As part of phase two, we were required to do a temporary cul de sac at the end of 1700 South for fire access. We did that. We actually improved that, and modified it a little bit, per Mat Sacco's requirements and halfway through construction. You wanted a little bit more road base, so about four or five months ago we did that. But again, it's a temporary cul de sac as that street will go and connect to Boat Harbor Road in the future as part of phase three. TSSD is not at the same level of development that we are for our subdivision, so the city has to require that roundabout goes in on a permanent basis. That would mean full asphalt, curb, gutter, storm drain and sidewalk. Once TSSD comes through, we would be tearing all of that out, and wasting all of

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those resources that we have in place. That would be lot seven of the four phase subdivision. Even if you did the subdivision and allowed me to keep the temporary cul de sac there, I would still have to do this same presentation if I wanted to go build on lot seven. Our request is just to have lot seven to defer that permanent cul de sac on. Lot seven, if I ever develop it, I come in and do a site plan for building seven, at that time the city would require me to do a full circle at that time. All I'm asking is not to waste those resources to build something and then have to tear it out in a year. So that would just be a deferred improvement to bring in a site plan for lot seven. This is just an aerial angle of lot seven. You can kind of see where we've done the temporary cul de sac the yellow line indicates the TSSD proposed road. Ben, is that accurate?

Ben Hunter: So TSSD has not submitted any plans, they've just had some conceptual conversations with the city. It is intended to go through that area. The challenge here is that we only have one temporary cul de sac detail, and their plans don't follow that.

Ben Wheat: So yeah, I apologize, I thought my conversations with David Barlow were different than that.

Ben Hunter: No, you're good. We talked quite a bit back and forth. They're still doing some feasibility stuff and in conversation, that is the intended connection there. I don't know when their anticipated submittal date is for their project.

Ben Wheat: And again, if I decided to build on lot seven, I would build that cul de sac to the city's requirements. All I am asking is to defer that to the site submittal for lot seven. That concludes that.

The fourth and last element that we are having a hang up on is the proposed intersection at 1500 South and 100 East. This is where our roads would tie into 100 East where the Skidmore property is located on the northeast corner. We are on the south portion of that, so our street would dive into, and make a 4-way intersection there. We've had seven submittals back and forth with red lines from planning and engineering. We've done two different traffic studies with Hale's engineering, and we were working towards a plan to keep that intersection as a 4-way stop, but the master plan requires that intersection to be a roundabout. As the maps you guys have looked at today show, all of that area over there is being developed as planned industrial. With planned industrial comes 5–6-foot trucks, tractors, we have the boat harbor with trailers and boats, and the boat storage next to us. We do not believe this is a good area for a roundabout. The reason we did these traffic studies was due to an indication from staff that we were working towards a direction that we could do this. Then on this last review, we went back to the roundabout. I have Jordi Here who did two different traffic studies that we've done for this intersection for the city. We feel it would be a very large detriment to our park and the traffic that would be coming out of there, in terms of mixing into a roundabout. I feel that roundabouts do have an element in terms of traffic flow, and they serve a very good point in some areas. Where this area is being developed, and how it's being developed with the traffic that's going to be

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going down 1500 South, we just don't feel like it's the best decision for the city or for our development and everything else going on out there. This just this is an overall map that we did. Everything in red is the car business park. You've got both RV and boat storage, the Marina campground and red pine that's going there and developing even further south. The purchasing of Brent Skidmore's property. You've got Amazon, Thanksgiving industrial business park, The Bus Depot that's on that corner as well. Again, how that land is being developed and how traffic is going to be moving out there for future growth planning, with two different studies that Hales engineering has done it's been indicated that a four way stop, or traffic light would suffice. Even better than the roundabout. So, I think those are the four elements that we kind of come to a stalemate with staff and why they can't recommend an approval for us. I am happy to answer any questions that the Commission may have.

Chairwomen Anderson: Does anyone have any questions? Planning maybe you can give a response to which of these items are major blockers or which could be adjusted within the timeframe, if there are any that are workable or what your opinion is on these items?

Travis Van Ekelenburg: Yeah. Well, the main thing is that we have to make sure that it meets the city code. The code is the code. Whether it comes to the dumpster enclosure or other issues, it's not a guiding document for us. It's actually something we have to follow so we're stuck with making sure that it meets those two things. The city code and the master plan.

Chairwomen Anderson: And as planning commissioners, the city code also requires us to follow the master plan. This isn't something that we have much leeway on.

Travis Van Ekelenburg: Sorry, that's correct.

Rodney Martin: So how have they been allowed to have the dumpster enclosures like they have them now, which completely makes sense for the project that they're doing?

Travis Van Ekelenburg: Well, as you know, the city has gone through staff changes over the last couple of years. It doesn't make it right for it to just be in place because it was done in the past. Right now, it's in the code and we have one example for a dumpster enclosure and that's what we have to go by in our landscape code.

Ben Wheat: I guess the only comment I have on top of Travis is that we are a company that is currently developing in six different cities in the intermountain west and every city operates a little bit differently. The majority of cities that we deal with outside of American Fork, staff has the ability to make interpretations or make judgment calls in instances like this. Our experiences with the staff within AF the latitude of being able to go against a trash dumpster that to your comment, just totally makes sense, they just don't have the ability.

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Travis Van Ekelburg: There's a lot of cities that have deviations or ways in the code to get around things. American Fork doesn't have deviations in the code specific to trash enclosures.

Bruce Frandsen: Does the City Council have the ability to make that change? Or do we just need to go right back to the code and make the change in the code and then everybody can move ahead? I guess my question is apparently, we're not able to do anything here. Is the City Council able to change or to make a judgment call on some of this stuff?

Travis Van Ekelburg: It would be a code amendment; it would be amending the code. We would have to go through that process first. Until the City Council puts things in the code that allows for deviations for certain things or the zoning administrator to do certain things or we have our code written in a way that allows those type of things, we're kind of stuck. So, all projects that come in, they have to be code. That change would have to come through the City Council. That's the process for any code change.

David Bird: And that would have to come through the City Council? That's the process?

Travis Van Ekelburg: That's the process for the code change, yeah.

Chairwomen Anderson: The Planning Commission is the approval body on the preliminary plan. Is that right?

Travis Van Ekelburg: Yes

Chairwomen Anderson: So, this first item only comes to us?

Bruce Frandsen: Yeah, we can approve this.

Chris Christiansen: Well, yeah, I mean, we have the option to approve. But I still feel like we're bound by the same thing, the code, just like staff's abilities are bound by that as well.

Chairwomen Anderson: I do think sometimes we come across things that illustrate a need for certain changes in the code. But as to what we're able to do tonight, I think we can just recommend to staff that this be an item that we look at as far as some of the limitations on some of these items. But is that right?

Cody Opperman: I was just going to say that could be something that you guys can say in your motion. I just want to again kind of clarify that this first item is going to be the preliminary plan. The dumpster enclosure is going to be based off of commercial site plans for lot six, and lot eight. The preliminary plan's purpose is to really give an overall picture and also see the ways of how the property is going to be utilized. The roadways are going to be in place for temporary use utilizing the temporary cul-de-sac. So, again, with the preliminary plan here today, it's the large

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components that are not shown and do not have any standards or anything of that sort here. The plans are the roundabout turnaround that is required by the transportation master plan, and also the temporary cul de sac which is not to the current standard of code here today. That is what I believe we would need to make this determination off of first the preliminary plan, then following that the final plan action and then the commercial site plans second. So really, we need to focus on the main concerns in the preliminary plan first, which is they don't incorporate that temporary cul de sac and they do not incorporate the roundabout design that is required by our master plan.

Chairwomen Anderson: Good distinction. Thank you for clarifying.

Bruce Frandsen: If we were to approve the proposed preliminary plan does it say you do not have to put in the roundabout period? I mean if we were to approve it, they would ultimately later come up against the roundabout, cul-de-sac, and the dumpsters at another phase down the road. And in the meantime, if anybody wants to make changes to the code, could that be looked at to be changed is that correct?

Cody Opperman: Yeah, so again, the preliminary plan is preliminary in design, right? So maybe some minor things can be put in at a later time. Situations such as the roundabout and again the temporary cul-de-sac, we need to make sure that is following that preliminary plan. The next step, which is the final plat, is where we have to ensure that we have the correct dimensions the correct standards, that way we can make sure we dedicate the appropriate land in the final plat and then ultimately its components shown on the commercial site plans. And so even though it is preliminary in nature, we still have to have those designs and those requirements and those dimensions so we as staff can make a good determination of okay, this is how much land that needs to be dedicated to the city. This is how much land, after everything's finalized, can be put back to the applicant and the owner of the property. Just so again, everything kind of matches in nature.

Jenny Peay: I do have some engineering questions. Can we pull that proposed roundabout map that he had in his presentation? While he is doing that can you tell me the classification of the roads that intersect with that roundabout?

Ben Hunter: Yeah, so and also to kind of help with Bruce's question related to the trash enclosure as well. So, there are limited sections of code that give us some variances, or you know, allowances per se. So specifically, as I look at the roundabout for example, section 15.01.1.100.A of our code states, all streets must conform to the current approved transportation element of the general plan of American Fork city and the bike and pedestrian master plan for American Fork city, and that's it. So, there's no allowance no variance to say.

Ben Wheat: No wiggle room

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Ben Hunter: Right, no wiggle room, that's how our code states it. As far as the current master plan 100 East I believe is identified as an arterial and 1500 South is identified as a minor collector. As we've been doing the current master plan update on the transportation master plan, we're actually looking at modifying those two classifications and reducing the 100 East arterial to a major collector instead of arterial sub. Classification from a minor collector to a major collector part of the reasoning behind that is when you actually look at the bigger picture of things and I mean, Bruce would be able to confirm some of this. 1500 South the City actually has some right of way that continues west and then it goes across some of Bruce's property you know, right along in there. Our master plan shows that road continuing and it basically this intersection of 100 West and 1500 South, it becomes what we refer to as Lakeshore Drive which is the very southernmost road and AF Crossings which is constructed as you go down 900 West by the TOD all the way down into the lake, the last road that you can connect to. It connects all the way to there, and then our master plan shows that continuing and then wrapping around and tightening into Mill Pond Road. As each of those developments come through, we anticipate a lot more traffic coming through that main thoroughfare because you know right now without setups, especially in the TOD area, depending on which direction they're headed. They may either be coming to get onto the freeway or anything like that they've got to loop around the Mill Pond, or they've got to loop around over to 300 West which has some very major constraints, existing constraints right now. Some of it we anticipate as those developments continue along that alignment, you're going to see a lot more traffic coming through here and that's part of why for future growth and planning, we anticipate the need for a roundabout here and that's why it's shown in the master plan.

Ben Wheat: And to that point, all of those levels were taken into consideration in Hales Engineering traffic study that indicated that a four way stop, or traffic light would handle that traffic just as well as a roundabout.

Ben Hunter: Some of the information, I mean, I know we have a representative here from Hale's. I don't know if it had gone to those extents and made all those connections through there. I know that some of the questions or comments we have previously referenced, like an evaluation at other intersections like 500 East and 1100 South where it's a limited turn movement there, you can't make a left turn move headed westbound on 1100 South, to southbound 500 East. You have to go around the block to do that. Those were some of our questions. How much of this traffic is a diversion from that. They had indicated they didn't evaluate that specific intersection. So, I don't know what all was included in the modeling that Hales had for that. This was some of the city's perspective to question our concerns of what we had seen as far as we anticipate with these two majors, you know larger classifications, and the need for something there. Even if it doesn't trigger, usually we will install a traffic signal when a traffic signal is warranted. Meaning that there's various criteria, like too many delays at the intersection for left turn movements, or queuing length gets to backed up, there's various triggers that will do that. And that was one of the things with the traffic study that Hales has done. Although it didn't identify that a traffic

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signal would be warranted, a roundabout is often a good implementation of being able to still maintain good flow through the intersection when you don't meet those criteria. So that's some of the background that's got into why this roundabout is identified on there. So, I know that was a lot longer answer. And I don't remember if that answered all of your questions or if that answers your question?

Jenny Peay: It does, and I am assuming the city has done their own traffic study that they completed in this area?

Ben Hunter: So, when we do the modeling, and Hales did confer with Horrocks who is the company that has done our master transportation plan, some of the assumptions that are made are generic. We assume so much of a percent of growth. Oftentimes, it may be, 2% or 3% or something to that effect. Again, Hales could probably speak a little bit more to that, they're more well versed in that than I am as far as some of that goes. But sometimes that modeling takes a look at that full build out, and that's what we anticipate. Some of it may not end up identifying that within the next few years, that you've reached that full build-out stage and there may be some areas in the city that develop at a higher percentage than others. They try to evaluate all of that modeling, and that's how we come up with the overall network of the road classifications that we need, assuming full build out with everything that's going on.

Ben Wheat: This is Jordi with Hales Engineering.

Jordi Barret: My name is Jordi Barrett, and I work with Hales Engineering in Lehi. If you'd like I can kind of summarize the report a little bit or I can answer questions first.

Chairwomen Anderson: Do we feel like we need the report summarized at this point?

Jenny Peay: Just a quick summary.

Jordi Barret: So, as Ben mentioned, Horrocks is working on the update to the transportation master plan. At the time that we wrote this memo, the reviewing engineer, I believe it was Jeff Mortimer before he left, anyway, he requested that we just check with them and look at their latest modeling for 1500 South and 100 East, and then project our volumes out beyond what we had originally projected in the original study. In the original study, we looked out five years. But in the case of this latest work, we looked out to the year 2050, which is the final horizon year on the travel demand model. And based on what Horrocks had at the time that we reached out to them, that was back in February, they showed an ADT of about 400 vehicles per day using 100 East, that's incredibly low. The model also had an ADT of 1,100 vehicles per day, east and west on 1500 South just into the development. So, using that and using the baseline of growth which was very little in the trials manual base here. We use kind of our national, it's called NCHRP National Cooperative Highway Research Methodologies to grow our existing traffic counts to that 2050 scenario. Now the travel demand model already took into account the growth that that's

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assumed in that model, and that's something that Horrocks would have to speak to. To be conservative, then we lay layered all of the catalyst buildings traffic on top of that. We looked at it as a two-way stop. And as a four-way stop I believe, as well as a roundabout and the signalized intersection, out to 2050. If we were to leave it as a two-way stop and the northbound and southbound directions, we get level of service A. If we run it as a signal, which has been mentioned one more signal, we still get low service A seems like a waste. Maybe save a couple of seconds of delay, I can't quite remember.

Jenny Peay: Can I just interject for just a second? This is for what year?

Jordi Barret: 2050

Jenny Peay: It stays at level A until 2050?

Jordi Barret: According to the models. According to the volume that is protected in the trials of my model, and Horrocks for the transportation master plan. To be honest, we saw it running at a level service A. We didn't see a need from a traffic operations standpoint to put a roundabout there. To be honest, I'm not sure why it was included in the previous adoption of the transportation master plan, just based on the volumes that were in that older model as well as the most current models that we got from Horrocks. And so, from a traffic standpoint, everything functions well as a two-way stop, or even as a four-way stop, even though I'm not sure that's even necessary, based on our findings.

Ben Hunter: Maybe Jordi, could you speak a little bit more to what those assumptions are in the growth of the models? Is it a certain percentage? Is it that you know, how is that growth identified and determined?

Jordi Barret: I apologize. I don't have the percentages with me. I do have the 2015 EDT's. I would have to take a look at the base assumption that was used, and then I could calculate those percentage differences. But as I mentioned that the volumes as projected by Horrocks weren't very high by 2015. And that is taking into account the catalysts. Again, to be conservative we layer catalysts on top of what was already built into their volumes.

Ben Hunter: Part of that took into account catalyst, but it didn't take into account any of the other specific developments like Ben's slides had outlined, some of the other ones that are coming in that have not necessarily been developed yet. But it just lumped those specific ones into that general percentage which like most of the traffic studies have worked out and correct me if I'm wrong. Usually, it's a two to 5% increase or something like that, which this specific area that was some of the concern and that if you've looked at this specific area, it's been more than that two to 5% with it and once some of the connections are made as that development goes further to the west. That's part of why right now, we the city's trying to preserve the right of way necessary for the roundabout that we anticipate, if all that were to get developed right now, that number

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would probably change from what's portrayed in the records based off of just general growth percentages. So, one of the things that is a distinction I wanted to make, is trying to make sure we preserve the right of way right now. We may not be looking at constructing the actual roundabout at this point because it isn't because that demand isn't there right now as it comes in. But going back after the fact and trying to get additional right of way for those future improvements that you would need. That's part of why we're trying to preserve that intersection so that we anticipate needing it in the future and will have the land to be able to do that expansion that we would need at that point in time. And like Jordi said, not that it's a significant difference or anything like that, just for non-engineering world, when we refer to level of services. It's basically the delay in the intersection and how well it is performing or how congested it is. Although both of them are performing at level of service A, the roundabout was performing a few seconds less, the delay was 2.2 seconds on the roundabout and five seconds on the traffic signal or things like that. As that higher growth comes into play, that's where it starts to decrease that level of service. Just give a similar example, UDOT right now is doing a study on Pioneer Crossing. They had tried to project based on some of the modeling at the time, and they'd anticipated that Pioneer Crossing would function sufficiently into the future. If any of you drive on it, it is not functioning at a good level of service. You actually have about 60,000 cars on that a day. That is part of the concern we see on that as this particular area is growing, and especially when that connection goes into the southern part south of the TOD. That is where we anticipate you're going to see a lot more of that traffic that creates congestion.

Chairwomen Anderson: If I may, I appreciate all the comments. I think that we can all see the complexity and the importance of a lot of these issues, and I think that there are so many discussions we could have about what could or should fit in this situation. As far as our role and our duty tonight, I see that we are going to look at this and decide whether it does or doesn't fit our existing code as it stands today and approve or deny based on that. And given that our code says all streets must conform to our master plan, however unfortunate that is, for this situation, I feel that we really only have one option at this point. And you know, I welcome your comments, or we can make a motion.

Chris Christiansen: Yeah, I kind of second that, I appreciate that you've identified some problems from your side of the table there. You provide a solution for each one of those, but I believe that's only one solution. I think there's other solutions out there that could be done. So, with the requirements and the statutes that we have, we have to do our thing and I think these issues could be addressed again through other methods as well, to get to that resolution.

Rodney Martin: I just want to go on record, this 1500 South roundabout is ludicrous. With the use of this area.

Ben Wheat: I second that.

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Rodney Martin: Keep me on your side here. With the industrial nature, manufacturing nature, things of this area. I've driven this many times, Bruce has driven it like every day. There and then just after the train tracks east of there before you get to the freeway. Those need traffic lights at full build out. Roundabouts do not work with trucks and trailers. They confuse people as it is. When you get into an industrial area a roundabout is not the answer. I'm not an engineer. I'm not a traffic person. I do love to drive I do love to not be hindered, and a light at both of those sections on 1500 South, which is a major and will be a major thoroughfare, that we need as much width in that road as we can get, a roundabout will be viewed in the future as an idiotic move.

Bruce Frandsen: I would say I agree on a number of things that came up here tonight. One, roundabouts, I think are problematic in that when you go down that road you have 110-foot-long trucks coming with trailers behind them. If you go to the roundabout in Lehi and you look where some of them have tried, they run halfway over the roundabout. Most roundabouts would have to be the size of the one in Paris, which if any of you have been there, it's 14 lanes. Trying to be that big in order to handle these big semis that are coming in and out of there, both for the farming and the industrial that goes on down there, I just don't know. I would say yeah, the dumpsters in my opinion, make sense, and we need to change the code to allow those to happen. The bike path. When they put the bike path in that you showed the pictures of, everybody knew it was going to not work. But years ago, somebody decided that we'll put bike paths next to the slews, and I was here 40 years ago, 30 years ago when some of this took place, they'll be able to walk and ride their bikes, and there'll be a nice little stream next to them. These are not streams, they are ditches with you know 20 gallons of water a minute running through them, and then nobody maintains them. Highland has closed their bike paths that they did that with, they are barricaded at both ends now. I love the idea of where you have proposed it, right down where it is being developed. But right now, we have it right behind the storage units, a ditch, and an asphalt strip that no one is going to maintain. It is already being destroyed by the gophers and other stuff. I think we need to really look at some of those things. I think probably from what I'm hearing, all that fits code change. So maybe we had better look and make some quick code changes. I think we do them quickly. I don't think things need to wait till a master plan is updated in 18 months.

Chairwomen Anderson: Thank you for those comments. The one we need to think about right now is the roundabout and the temporary cul de sac and we have to decide, do these fit the code and we need to vote on that. Before we even discuss any of the other things.

Bruce Frandsen: Sure, and I just said that so it will be on the record, I realize where we are at.

Chairwomen Anderson: So, if we don't have any further discussion, I think we can, yes, Travis?

Travis Van Ekelenburg: I was just going to say, Bruce, like all those types of ideas that you have as we go through and redo the code over the upcoming months. Keep all this in mind as we're going through this stuff and all of these things come before you.

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Chairwomen Anderson: Right. I do feel like a lot of valuable things have been brought up tonight. We can move forward with the motion if anyone is ready for one.

Rodney Martin: So, what's the result if we table this? Would there be any chance for resolving some of these things or getting a code text amendment in place to be approved, and would that help move the project forward expeditiously?

Travis Van Ekelenburg: I would say there's risk involved in that, because it's not a guarantee to go through to meet the current project as it sits. There's a lot of risk in that. A lot of time is involved for the developer as well. Because you never know how the City Council is going to vote.

David Bird: I have a similar question as Rod does, I can see the proposal here by Rodrick Properties, and it looks very acceptable as long as we get it to meet code. But what is the most expedient way of doing that?

Chairwomen Anderson: Harold, I believe you have a comment?

Harold Dudley: I do. I am struggling because I am looking at this, and I guess we as planning commissioners, I should probably know the code better than I do. But we've relied on staff, right? And clearly staff, in the past, it appears that staff just missed the trash enclosures. That is minor compared to master plan. That's where I'm struggling. Because quite frankly, we missed that two years ago, and it got through so, I probably shouldn't say it, but I'm just struggling with all of that right now. And I don't know how to resolve it. In my mind, and we see it almost every week we're here, and sorry, I will probably get in trouble for saying, that every week we're here we're seeing good plans that don't meet code. If it was just the dumpsters, I would vote and just ignore the code. But here we have master plan and that takes more than just a code amendment doesn't it, to change the master plan?

Travis Van Ekelenburg: There's a lot involved with it, and there is a lot we are changing in the next couple of months. Keep that in mind. Right now, like I said earlier, we're bound to the general plan, transportation plan and the development code right now. So that's what we're bound by, it has to meet code.

Chairwomen Anderson: And every week we do see a lot of great plans that do meet code, right?

Harold Dudley: That's true.

Jenny Peay: And I do have to say that it's not a guarantee that TSSD is going to follow through on that.

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Ben Wheat: No, and to that point, if I came in with a site plan for lot seven, I would go build that circle.

Jenny Peay: Yeah, that's why I say, you can't rely on something that has not been approved.

Ben Wheat: No, I am not relying on them. I still have to go through staff, planning commission, and City Council with a site plan for lot seven. I couldn't go build lot seven without that process. Then in that process, if TSSD still hasn't built their roads yet, I would go build that circle.

Chris Christiansen: Why not use lot seven as its own separate subdivision, and have it on its own preliminary plan?

Ben Wheat: The improvements that are going in fully improved lot seven. Lot seven is just part of the subdivision phase. To be honest with you, the end of 1700 South has nothing to do with phase three, but that was put in on phase two. I mean, this is just a requirement from staff. Again, the circle would go in and be built when I build a building on lot seven, if TSSD has not put that road through.

Ben Hunter: For some of the history with that, when they came through with phase two, we were corrected in that we didn't have an allowance in code for a temporary cul de sac at the time. The temporary cul de sac, kind of going back to the same thing, where code sometimes allows for allowances or variances. Specific to the temporary cul de sac, what code talks about, it states dead end streets permanent or temporary, greater than 150 feet, you know, has several criteria and requirements. It says that you have to follow the standards. It says temporary cul de sacs may be allowed or recommended for approval by the city engineer and development services director and approved by Council. In the event a temporary cul de sac is approved; it shall be constructed as shown in the standard drawing number 15.7.B and that's it. So again, the variance and allowance we have, is we can allow and choose to allow the temporary cul de sac. But if we do, it has to be code and I don't have a variance to change it. So, because the lot that's being created fronts that road, it has to meet current road standards and generally a site plan approval. We're not approving roads, we're approving the site itself. So this is where the public infrastructure and requirements of code and the standard details have to be met, because that road is fronting a lot that is part of the subdivision, it has to meet current code. This is the current code that we have to comply with to be able to say yes to this plan.

Ben Wheat: Correct me if I'm wrong, when you say temporary cul de sac, you're requiring us to build it just to asphalt, curb, gutter, storm drain, and sidewalks?

Ben Hunter: Asphalt, curb, gutter, a portion of the sidewalks, but it is modified you don't have a park strip in there. I know that the intention, although as I've looked through code, it can probably be clarified. I thought that it had been clarified, but part of the intention was that when

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that road did extend in the future, so in this case, if and when TSSD moves forward, it would be their responsibility to construct the road and remove those temporary improvements. And that temporary easement that would be required as part of the plat, would then go away. We wouldn't need it anymore because the road goes through. It would be a future cost on the development when that road punches through.

Ben Wheat: Again, it is like giving the city a piece of our land, and then having to beg for it back and deconstruct a cul de sac, which again, we would put in when we develop lot seven. I completely see your point, and understand, it just doesn't make sense to have to do it.

Jenny Peay: I feel for you, I really do, but we are really constrained here by the code. The city, I think, is looking at the bigger picture here. I feel that your site does have some constraints and does have some problems here, but as a city we have to look at the master plan and how it was originally set up. I feel like that that doesn't give us a lot of latitude here.

Chairwomen Anderson: Does anyone have any closing comments, or we can try a motion and see where it lands?

Chris Christiansen moved to deny the proposed Preliminary Plan, located at approximately 1600 South 150 East, American Fork City, UT 84003, in the PI-1 Zone.

Jenny Peay seconded the motion.

Jenny Peay: Question for you Christine, maybe you or somebody else can answer, where it is denied, does this go to the City Council. Or are we the approval body on this?

Bruce Frandsen: Can they appeal to the City Council?

Travis Van Ekelburg: Yes.

Bruce Frandsen: I'd love you to do that. I love to see you show the City Council some of the things that the City Council could put some weight behind to get the code fixed on the dumpsters and the trail that goes to nowhere. Yeah, I'd love them to go to City Council.

Chairwomen Anderson: Denying it gives them that opportunity, but if we table it, then they are stuck here.

Jenny Peay: So not having to come back with something different each time is actually a better option for you.

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Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Harold Dudley	AYE

The motion Passed

Chairwomen Anderson: So, we have denied the preliminary plan, and we empathize and are hoping for something to be put together that can work. Whether from our end or from meeting number two, thank you.

Ben Wheat: Just to clarify, that is the vote on all four of them, I guess?

Chairwomen Anderson: So, Item B, the final plat, would require the preliminary plan to be approved, and the commercial site plans would require the final plat to be approved. So, I think at this point we aren't able to approve or to recommend approval of the others. Just because they all domino off each other.

Ben Wheat: So, with that being said, can we deny all four of them, so we can take all 4 of them to City Council?

Cody Opperman: If you table them, they will not go to City Council. Staff's recommendation for the final three is going to be tabling them, just to give them the opportunity to fix up the comments and then follow the master plans, but again, you as planning commission you guys can make your own determination, your own recommendation, whether it be tabling, denial or approval. But staff's recommendation again, is to table. But again, if you feel the need to deny them, then that's what you do.

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David Bird: If we deny all of them, then they can appeal them all to the City Council, Correct?

Cody Opperman: Yes.

Chairwomen Anderson: I felt that it was quite a bucket full to think about all of them as one, and it was a little clouded because we were trying to think of all of them at the same time. So, it would be my choice to table B, C and D. So that city council can look at the first two items, and then we can come back and address the little things that City Council probably doesn't need to worry about.

Harold Dudley: I have to agree along the same lines, because I actually can't put words in the City Council's mouth, but I think even if we did, they've been supportive of our group, and I think they would remand it back to us, because you can't really get into the details of all of it right now.

Chairwomen Anderson: Right, past those first two items, I think there were several items like the trash enclosures, that are not being decided on here.

Ben Wheat: Yeah, so to clarify the two items that we could identify with just denying them would be the roundabout and the temporary cul de sac. The sidewalk, the bike path, and trash enclosure couldn't be talked about with City Council.

Chairwomen Anderson: Right, that belongs here.

Ben Wheat: Okay, sounds good.

b. Review and recommendation on an application for a Final Plat, known as Roderick Catalyst Business Park Phase 3, located at approximately 1600 South 150 East, American Fork City, UT 84003. The Final Plat will be for approximately 32.73 acres and will be in the Planned Industrial (PI-1) Zone.

The applicant has applied for a Final Plat to develop a business park on the south end of the City. The Final Plat proposes to create 4 new lots for the development of the Roderick Catalyst Business Park.

Harold Dudley: I'm gonna make the motion based on what I've heard and what I'm feeling right now.

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Harold Dudley moved to deny the proposed Final Plat, located at approximately 1600 South 150 East, American Fork City, UT 84003, in the PI-1 Zone.

Chairwomen Anderson: You want to deny the whole thing?

Harold Dudley: For me, I think we should table the next two, but deny the final plat as well.

Chairwomen Anderson: Okay, so why is that?

Harold Dudley: I think those two are kind of hand in hand, that's my feeling, and others may feel differently. I think the first two will assist, if City Council so feels inclined, and we don't know what City Council will feel, but they can look at these together, and then the site plan comes back to us. That's my feeling.

Chris Christiansen: I see your logic, and I will second your motion.

Travis Van Ekelburg: Just keep in mind how the development works and how they'll have to fit into each other. So, you've got the first one that we've been talking about the subdivision part of it, and then you develop lots individually. So, keep in mind that they're all separate, but the preliminary plan and the subdivision have to go together they have to match.

Chairwomen Anderson: So, would it be staff's recommendation to deny the final plat or to table?

Bruce Frandsen: Because we have denied the first one.

Ben Wheat: There is a current motion to deny it.

Chairwomen Anderson: There is a motion and a second.

Travis Van Ekelburg: You should probably handle that first motion.

Chairwomen Anderson: Okay, so we have a motion from Harold, and a second from Chris, we will start the roll call vote;

Chris Christiansen seconded the motion.

Voting was as follows:

Christine Anderson	NAY
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Harold Dudley	AYE

UNAPPROVED MINUTES

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The motion Passed

- c. Review and recommendation on an application for a Commercial Site Plan, known as Roderick Catalyst Business Park Lot 6, located at approximately 148 East 1600 South, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 5.95 acres and will be in the Planned Industrial (PI-1) Zone.**

The applicant has applied for a Commercial Site Plan to develop a warehouse building. The project looks to develop a large warehouse building that will be on one of several lots for the Roderick Catalyst Business Park.

The applicant will need to provide drawings that show the on-site dumpster (trash) enclosure that is required by City Code Section: 17.5.121, in addition to other comments from staff. The applicant also has applications in process for a Preliminary and Final Plat Subdivision that will need to be finalized before the Commercial Site Plan can be approved.

Harold Dudley moved to table action for the proposed Final Plat, located at approximately 1600 South 150 East, American Fork City, UT 84003, in the PI-1 Zone.

Jenny Peay seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Harold Dudley	AYE

The motion Passed

- d. Review and recommendation on an application for a Commercial Site Plan, known as Roderick Catalyst Business Park Lot 8, located at approximately 100 East 1553**

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South, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 9.10 acres and will be in the Planned Industrial (PI-1) Zone.

The applicant has applied for a Commercial Site Plan to develop a warehouse building. The project looks to develop a large warehouse building that will be on one of several lots for the Roderick Catalyst Business Park.

The applicant will need to provide drawings for the proposed roundabout intersection for Lot 8, and additionally new drawings that show the on-site dumpster (trash) enclosure that is required by City Code Section: 17.5.121. The applicant also has applications in process for a Preliminary and Final Plat Subdivision that will need to be finalized before the Commercial Site Plan can be approved.

Harold Dudley moved to table the Commercial Sit Plan Lot 8 located at approximately 1553 South 100 East, American Fork City, UT 84003, in the PI-1 Zone.

Rodney Martin seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Chris Christiansen	AYE
Jenny Peay	AYE
Rodney Martin	AYE
Bruce Frandsen	AYE
David Bird	AYE
Harold Dudley	AYE

The motion Passed

Upcoming Projects

Other Business

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Cody Opperman: Not too much is going on. I mean, we do have some upcoming projects dealing with you, and some more transit-oriented development and even some accessory structures and some more final plats soon to be coming up. So that's all for upcoming business. So, kind of a little bit milder.

Rodney Martin: I urge whoever is reading this that we get some alternants for planning commission members.

Adjournment

Bruce Frandsen motioned to adjourn the meeting.

David Bird seconded the motion.

Meeting adjourned at 7:49 PM

Angie McKee

Administrative Assistant I

The order of agenda items may change to accommodate the needs of the commissioners, public and staff.

Roderick – Catalyst Business Park



- 9 Class A Industrial Buildings
- Over 1.3 Million Square Feet

- Business Park is over 100 Acres
- Abundant new street infrastructure

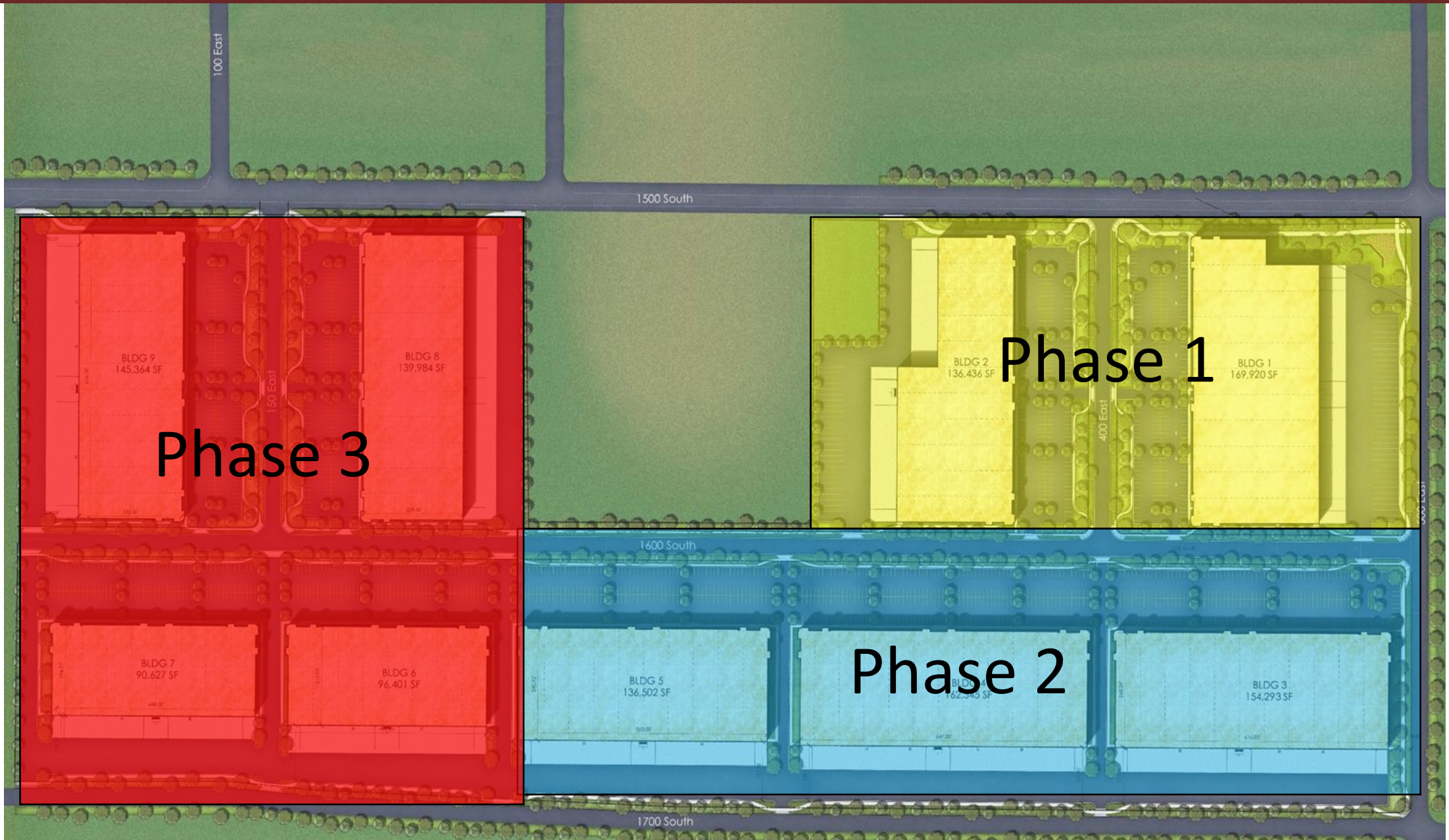
Roderick – Catalyst Business Park



Roderick – Catalyst Business Park



Roderick – Catalyst Business Park



Roderick – Catalyst Business Park

Phase 3 Subdivision / Final Plat Items

Items Outstanding on Subdivision/Plat and Site

Plans for Buildings 6 & 8:

- Temporary Cul-de-sac on 1700 South
- Round About vs 4 way stop/Traffic Light
- Re-routing the 10' bike path
- Continue using the dumpster design that we have used on the last 7 buildings we have developed in AF

Roderick – Catalyst Business Park

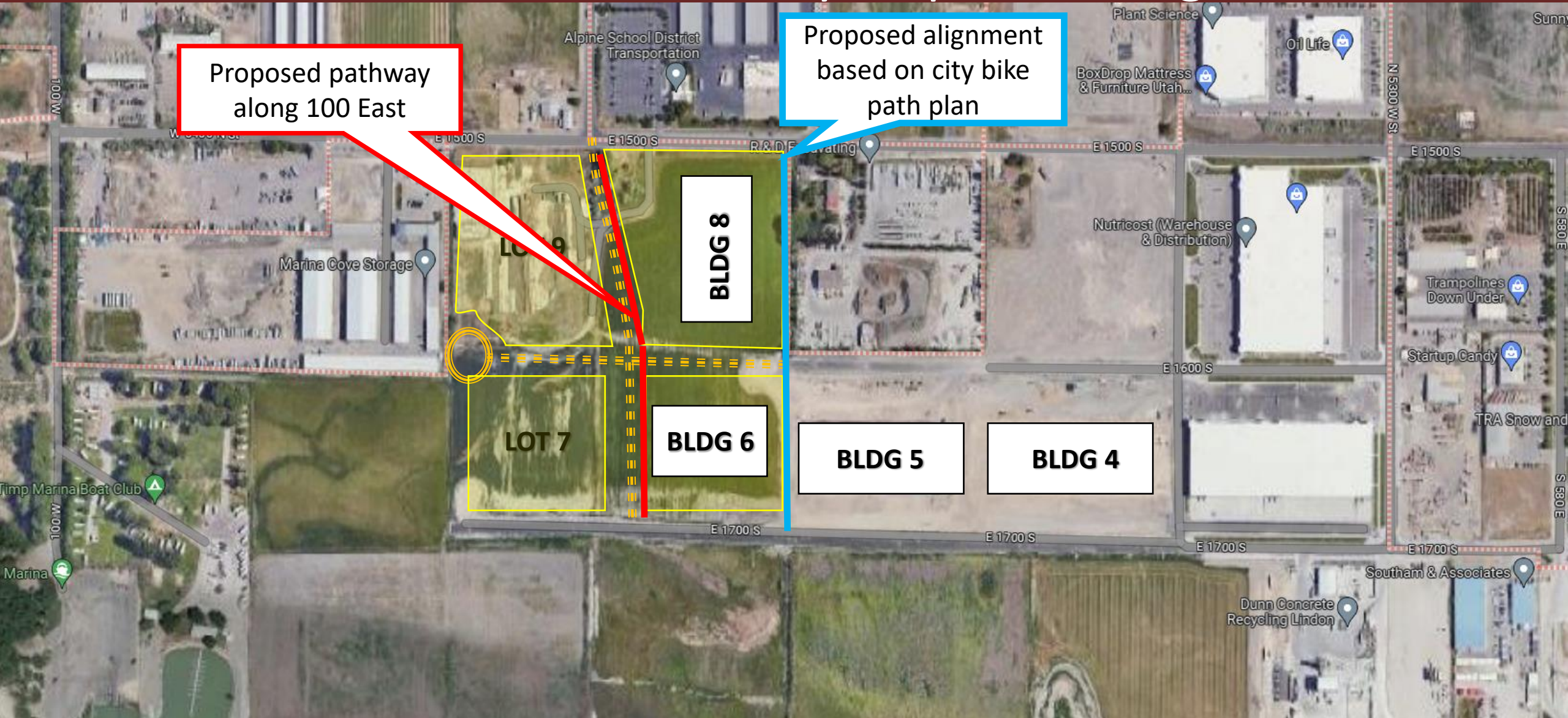
Re-Routing 10' bike path

Re-routing the 10' bike path:

- We want to relocate the path from the city proposed designation for the bike path behind the truck loading area to the front of the building along the new 100 East. This would be very similar of what we installed down 500 East with the first Phase of the development.
- All bike paths are proposed to be along the ROW of 100 East
 - This provides a much safer and user friendly pathway
 - The next slides demonstrate what we installed on the ROW of 500 East and what our next door neighbor installed in an area that is not maintained

Roderick – Catalyst Business Park

Round About vs 4 way stop/Traffic Light



Roderick – Catalyst Business Park

Re-Routing 10' bike path (Roderick Built)



Roderick Pathways installed as part of Phase 1 along a ROW

Roderick – Catalyst Business Park

Re-Routing 10' bike path (Roderick Built)



Roderick Pathways installed as part of Phase 1 along a ROW

Roderick – Catalyst Business Park

The neighboring 10' bike path next door to the west



Boat Storage (next door to the west of the Roderick development) pathways installed not along a maintained landscaped ROW/site

Roderick – Catalyst Business Park

The neighboring 10' bike path next door to the west



Boat Storage (next door to the west of the Roderick development) pathways installed not along a maintained landscaped ROW/site

Roderick – Catalyst Business Park

Dumpster Design

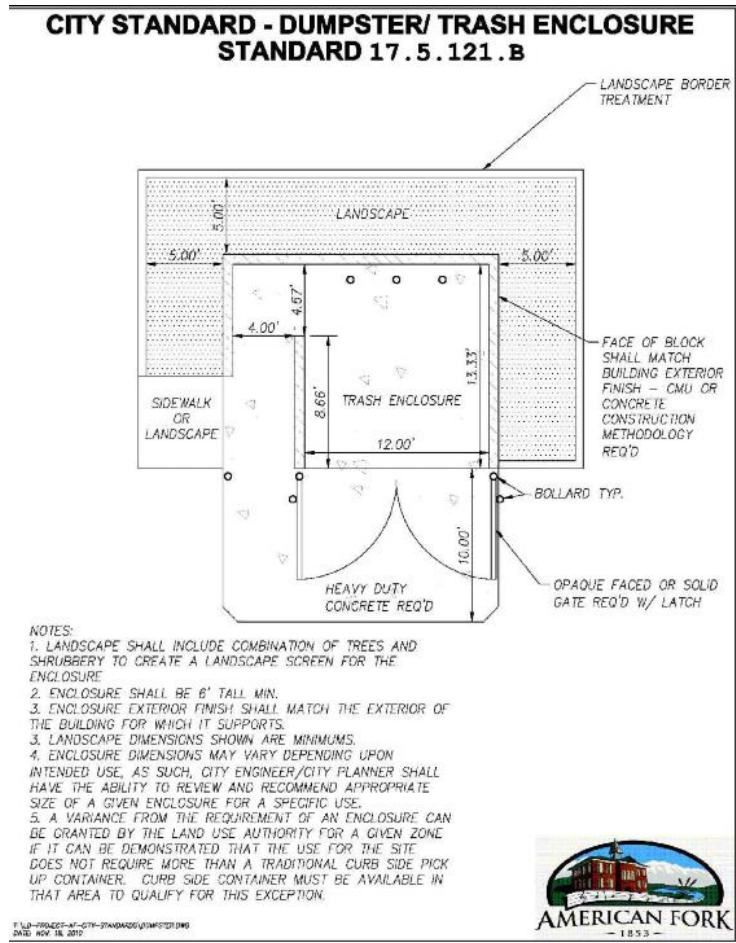
Dumpster Design:

- The city only has one detail for dumpster enclosures that has not been revised since 2010.
- He have built 7 buildings since 2010 with our design that sits behind every building and still screens the dumpster
- The current detail is designed for retail shopping centers or office buildings and does not pertain to the PI zone

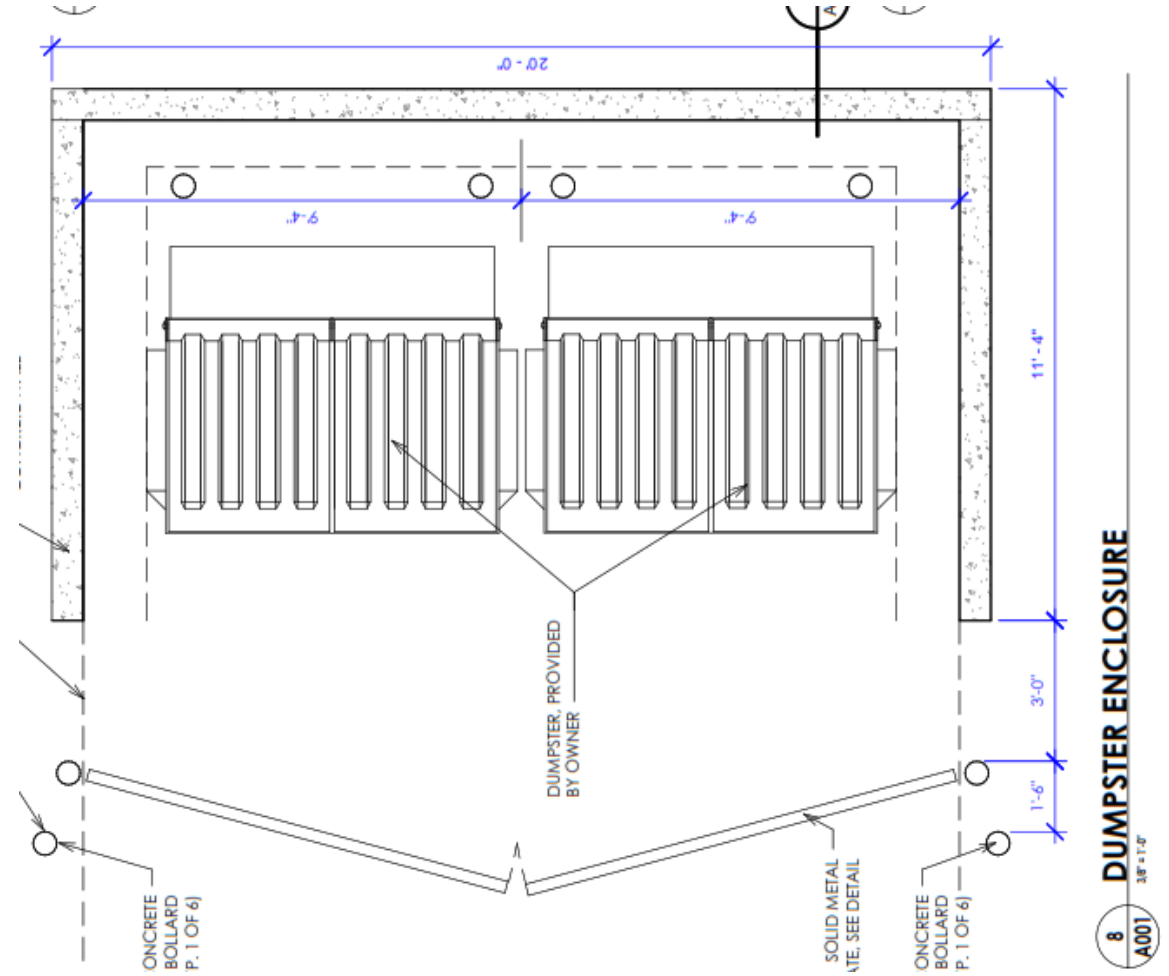
Roderick – Catalyst Business Park

Dumpster Design

City Standard Design:



Roderick Design for the last 7 buildings:



Roderick – Catalyst Business Park

Dumpster Design

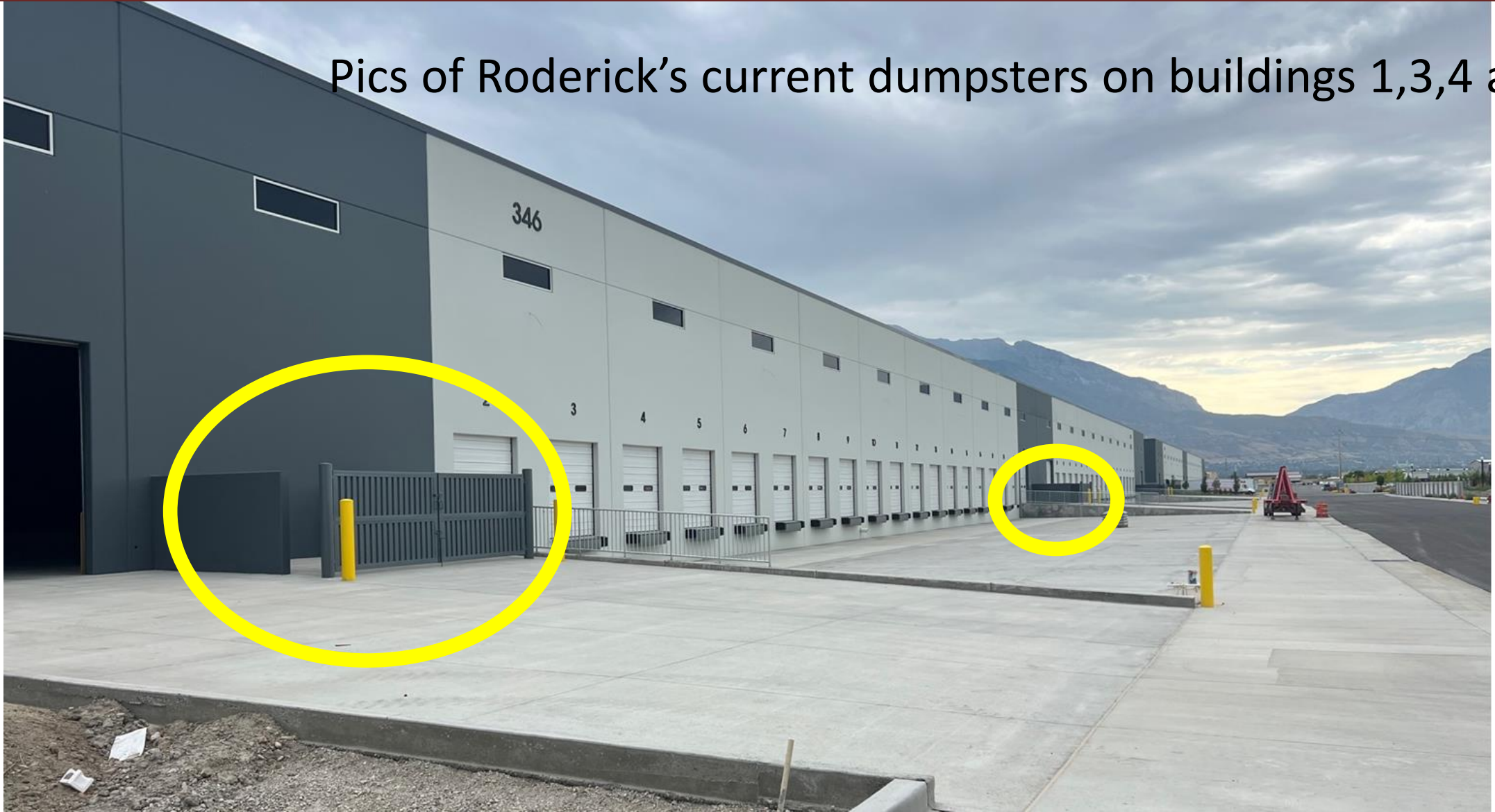
Pics of Roderick's current dumpsters on buildings 1,3,4 and 5



Roderick – Catalyst Business Park

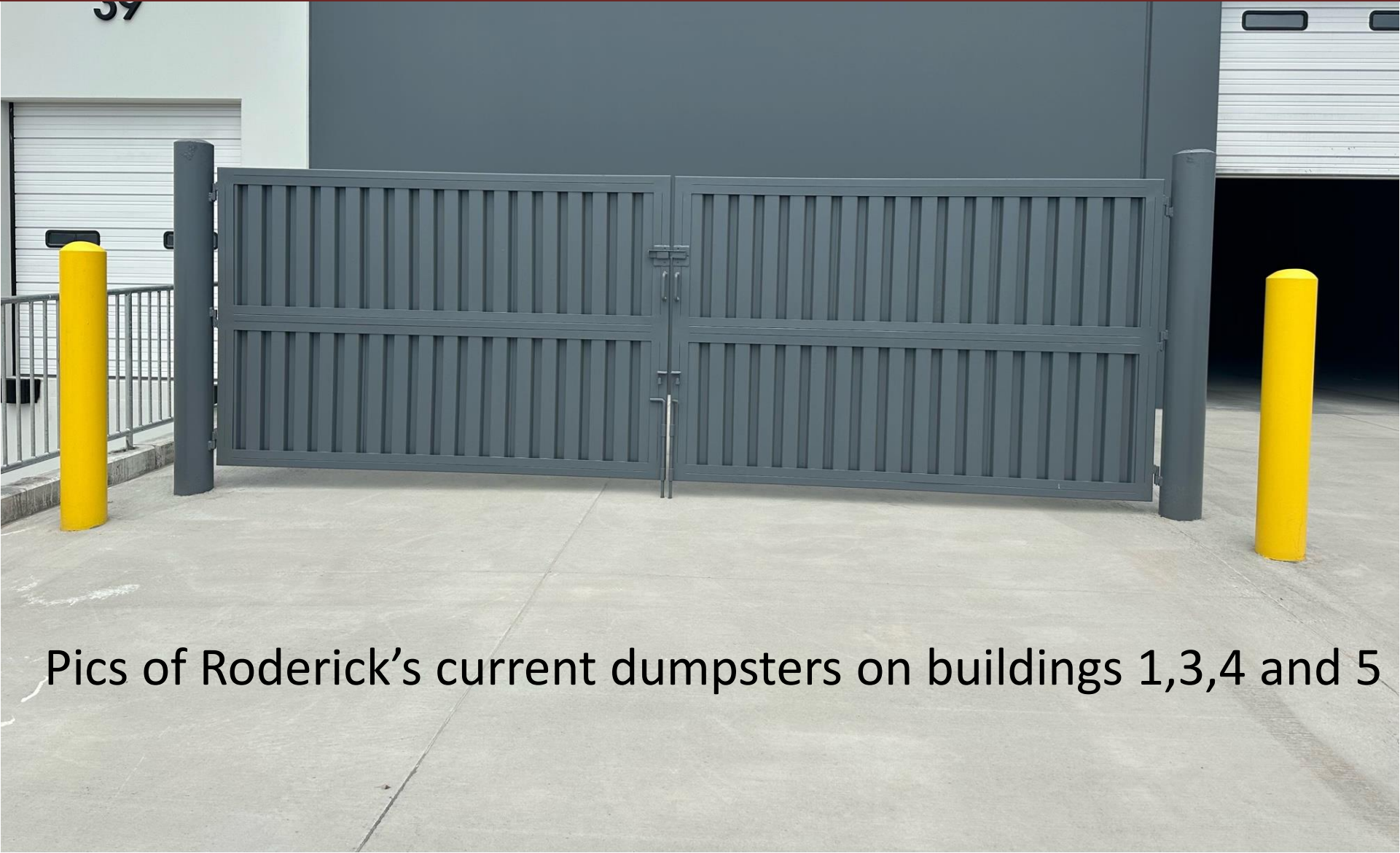
Dumpster Design

Pics of Roderick's current dumpsters on buildings 1,3,4 and 5



Roderick – Catalyst Business Park

Dumpster Design



Pics of Roderick's current dumpsters on buildings 1,3,4 and 5

Roderick – Catalyst Business Park

Phase 3 Subdivision / Final Plat Items

Items Outstanding on Subdivision/Plat:

- Temporary Cul-de-sac on 1700 South
- Round About vs 4 way stop/Traffic Light

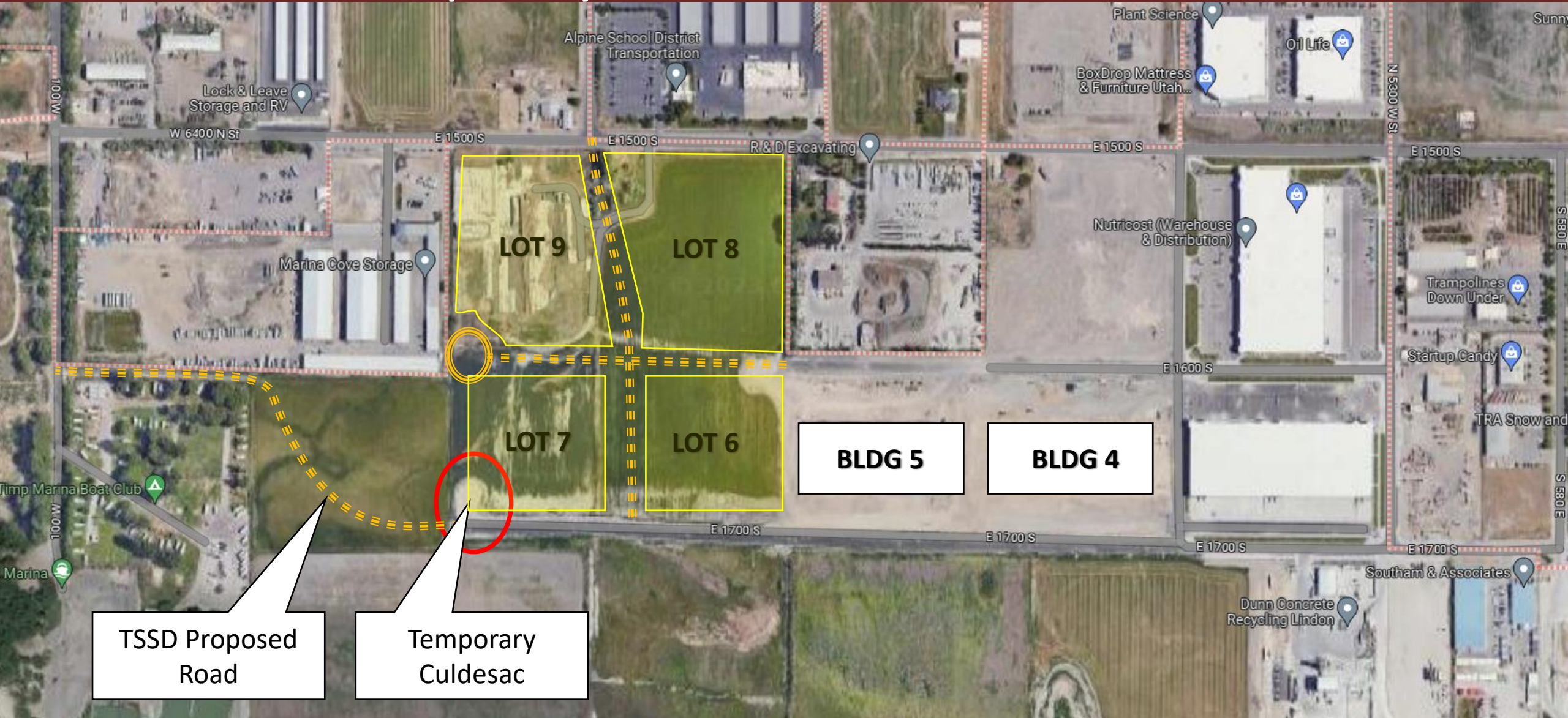
Roderick – Catalyst Business Park

Temporary Cul-de-sac on 1700 South

- 1700 South was completed as part of Phase 2 improvements and a temporary cul-de-sac was created for fire turnaround access.
- TSSD has submitted plans to continue 1700 South through to Boat Harbor Rd.
- AF City is requesting a full dedication and full improvements for the circle, which would then be abandoned, demolished and removed once 1700 South was installed through to the Boat Harbor Road by TSSD.

Roderick – Catalyst Business Park

Temporary Cul-de-sac on 1700 South



Roderick – Catalyst Business Park

Round About vs 4 way stop/Traffic Light

- There have been 5 resubmittals with redlines on the subdivision application between the city and the applicant.
- Up until the 4th resubmittal, Roderick had been working with the city and providing them two separate traffic studies from Hales Engineering based on AF general plan, future growth and other requirements to allow us to improve the intersection at 1500 South and 100 East as a 4 way stop/future traffic light instead of a proposed round about.
- The result from both traffic studies are shown on the next slide:

Roderick – Catalyst Business Park

Round About vs 4 way stop/Traffic Light

Recommended Intersection Control

Simulations were also performed on signalized and roundabout intersection configurations to see what the potential levels of service may be, despite future (2026) and (2050) projected volumes not warranting signalization. These configurations were analyzed purely for comparison purposes and since the American Fork Transportation Element of the General Plan shows the intersection as a potential future roundabout. In a signalized configuration with left-turn pockets and through/right-turn lanes on all approaches, the intersection performs at LOS A with 5.8 seconds of delay during the evening peak hour. A single-lane roundabout configuration also performs at LOS A with 2.9 seconds of delay. While neither of these configurations are determined to be

1220 North 500 West, Ste. 202 Lehi, UT 84043 p 801.766.4343
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HALES ENGINEERING
innovative transportation solutions

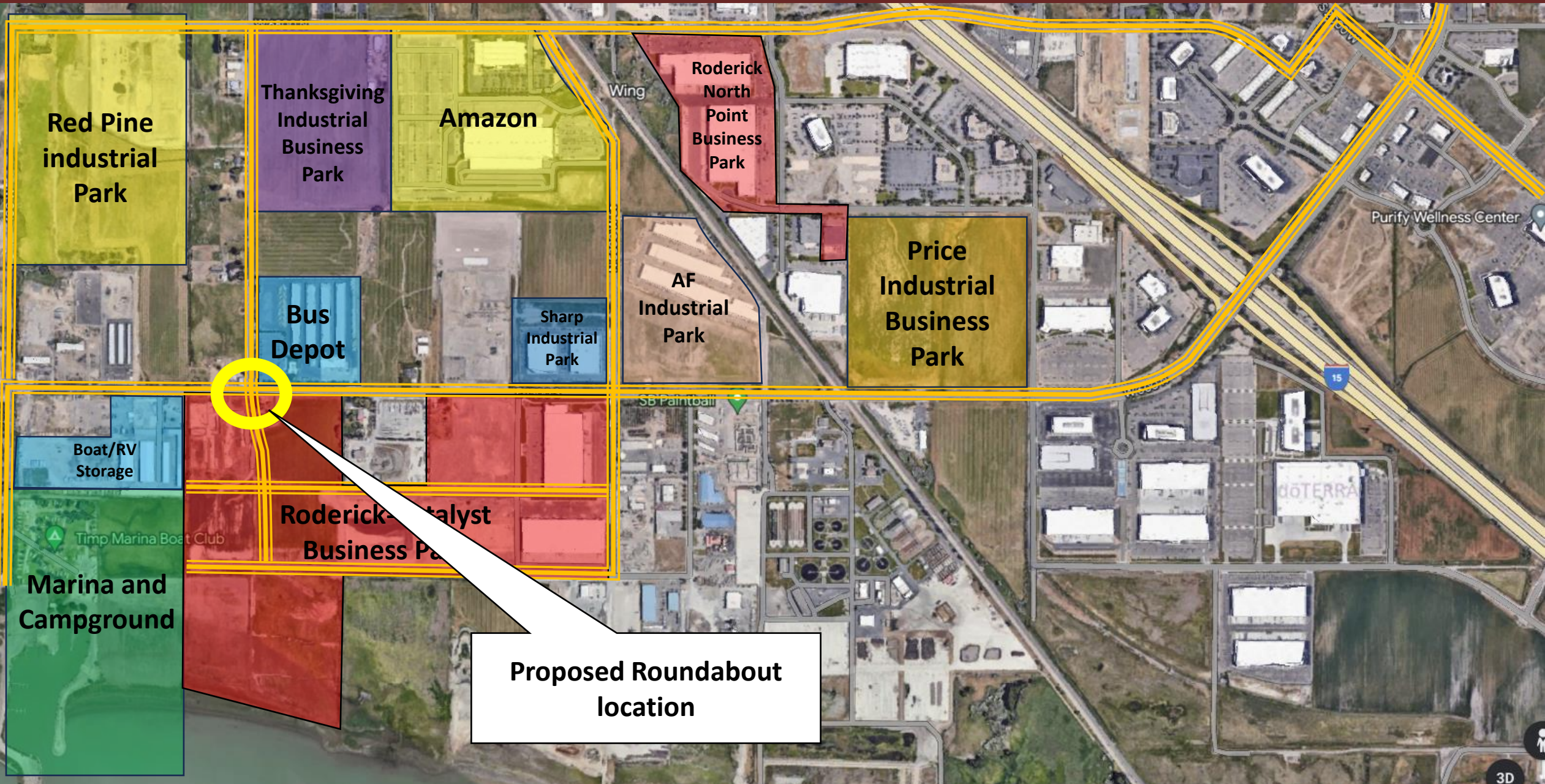
necessary based on the analyses performed, either treatment is anticipated to yield the same results in terms of level of service.

It is anticipated that the intersection will perform equally well, at LOS A, under northbound/southbound stop-control as it will in a signalized or roundabout configuration. Hales Engineering recommends that the 100 East / 1500 South intersection remain in a northbound/southbound stop-control configuration based on projected volumes used in the transportation element of the general plan.

If you have any questions regarding this memorandum, please contact us at 801.766.4343.

This is the conclusion, but I have also provided the full 17 page report.

Roderick – Catalyst Business Park





Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Typical Waterman Taps, of the American Fork City Municipal Code. Amending Section 15.01.1390, the Code Text Amendment plans to update and create standard water details for American Fork City.

Background

The applicant has applied for a Code Text Amendment to amend Section 15.01.1390 of the American Fork City Municipal Code. The proposed amendment looks to revise the section 15.01.1390 of the municipal code of American Fork City and is part of a larger project to revise and modify the standard details found in section 15.01.

Potential Motions – Code Text Amendment

Approval

Madame Chair, I move to recommend approval for the proposed Code Text Amendment, amending Section 15.01.1390, titled Typical Waterman Taps, relating to updating and creating standard detail Culinary Water Service Tap for American Fork City and providing an effective date for the ordinance.

Denial

Madame Chair, I move to recommend denial for the proposed Code Text Amendment, amending Section 15.01.1390, titled Typical Waterman Taps, relating to updating and creating standard detail Culinary Water Service Tap for American Fork City

Table

Madame Chair, I move to table action for the proposed Code Text Amendment, amending Section 15.01.1390, titled Typical Waterman Taps, relating to updating and creating standard detail Culinary Water Service Tap for American Fork City and instruct staff.....

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.01.1390 OF THE MUNICIPAL CODE OF AMERICAN FORK CITY, UTAH, RELATED TO CULINARY WATER SERVICE TAP

WHEREAS, Chapter 15.01 of the American Fork Municipal Code relates to Development and Construction Standards of American Fork City;

WHEREAS, City Council desires to amend the standard for culinary water service tap;

WHEREAS, American Fork City finds it is in the best interest of the citizens of American Fork to make these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK that:

- 1. SECTION 15.01.1390 of the Municipal Code of American Fork City, relating to Typical Waterman Taps be amended with the revised standard detail for Culinary Water Service Tap that is attached.**

**PART II
PROVISIONS AND ADOPTION**

SECTION 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 2. Amendments to be added to the City Code.

The City Council hereby directs that the provisions enacted by this ordinance shall be made and placed in the City Code.

SECTION 3. Effective Date

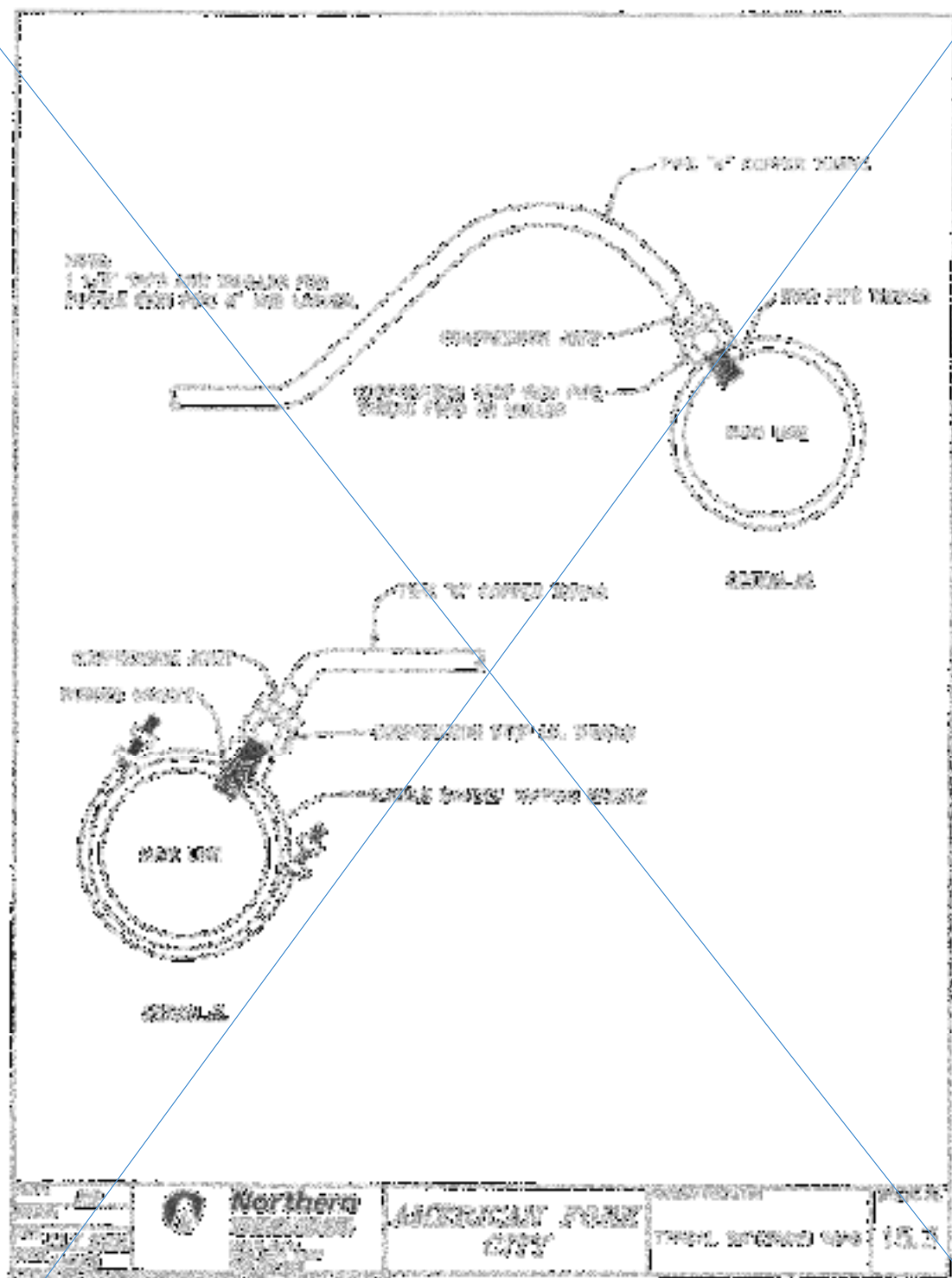
This ordinance shall take effect immediately upon its passage and publication as required by law.

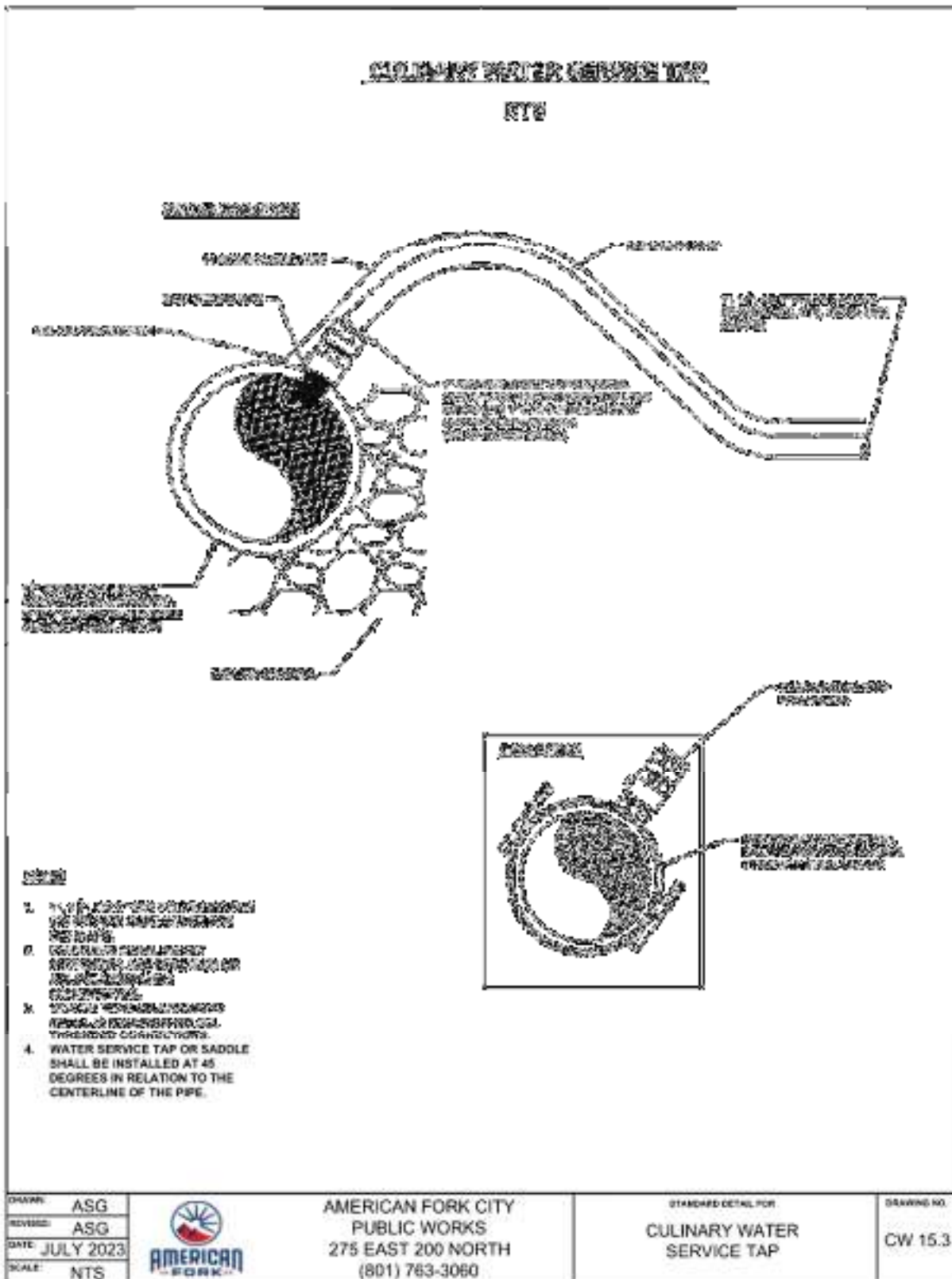
PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS ____ DAY OF _____, 2023.

Bradley J. Frost, Mayor

ATTEST:

Terilyn Lurker, City Recorder

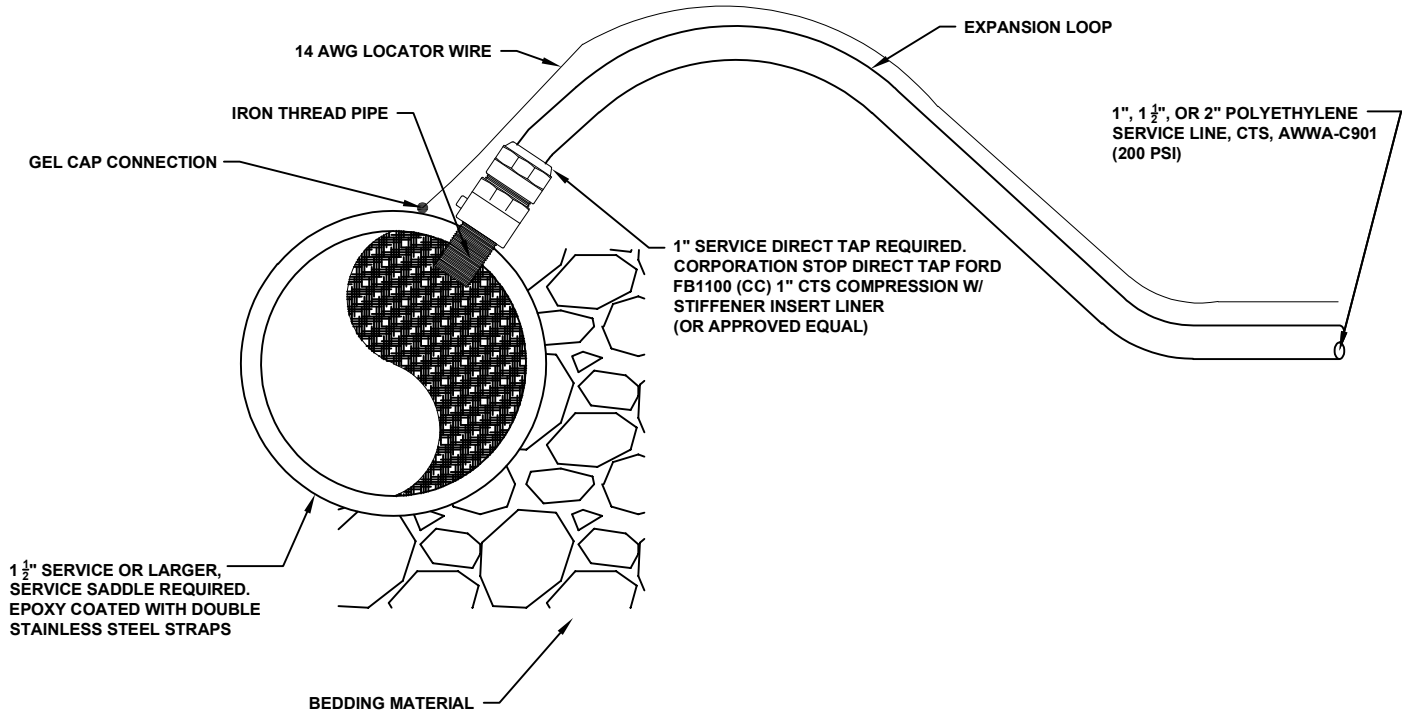




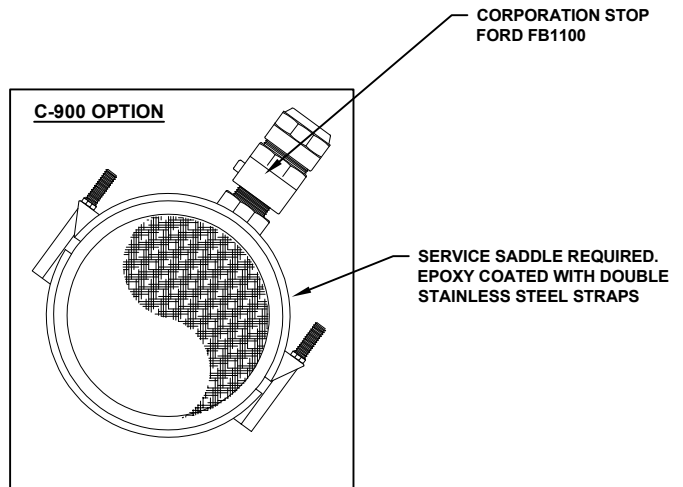
CULINARY WATER SERVICE TAP

NTS

DUCTILE IRON OPTION



C-900 OPTION



NOTES

1. 1", 1 1/2", OR 2" CTS POLYETHYLENE 200 PSI PIPE BLUE COLOR FOR CULINARY.
2. STAINLESS STEEL INSERT STIFFENERS ARE REQUIRED ON ALL POLYETHYLENE CONNECTIONS.
3. TEFLON TAPE OR APPROVED EQUAL IS REQUIRED ON ALL THREADED CONNECTIONS.
4. WATER SERVICE TAP OR SADDLE SHALL BE INSTALLED AT 45 DEGREES IN RELATION TO THE CENTERLINE OF THE PIPE.

DRAWN: ASG
REVISED: ASG
DATE: JULY 2023
SCALE: NTS



AMERICAN FORK CITY
PUBLIC WORKS
275 EAST 200 NORTH
(801) 763-3060

STANDARD DETAIL FOR
CULINARY WATER
SERVICE TAP

DRAWING NO.
CW 15.3



Agenda Topic

Public hearing, review, and recommendation on a proposed Code Text Amendment, known as Water Details, of the American Fork City Municipal Code. Amending Section 15.01, the Code Text Amendment plans to update and create standard water details for American Fork City.

Background

The applicant has applied for a Code Text Amendment to amend Section 15.01 of the American Fork City Municipal Code. The proposed amendment looks to revise the section 15.01.1395 of the municipal code of American Fork City and is part of a larger project to revise and modify the standard details found in section 15.01.

Potential Motions – Code Text Amendment

Approval

Madame Chair, I move to recommend approval for the proposed Code Text Amendment, amending Section 15.01.1395, titled Typical Secondary Water Main Tap, relating to updating and creating Pressurized Irrigation Service Tap and providing an effective date for the ordinance.

Denial

Madame Chair, I move to recommend denial for the proposed Code Text Amendment, amending Section 15.01.1395, titled Typical Secondary Water Main Tap, relating to updating and creating Pressurized Irrigation Service Tap.

Table

Madame Chair, I move to table action for the proposed Code Text Amendment, amending Section 15.01.1395, titled Typical Secondary Water Main Tap, relating to updating and creating Pressurized Irrigation Service Tap for American Fork City and instruct staff to.....

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.01.1395 OF THE MUNICIPAL CODE OF AMERICAN FORK CITY, UTAH, RELATED TO SECONDARY WATER MAIN TAP

WHEREAS, Chapter 15.01 of the American Fork Municipal Code relates to Development and Construction Standards of American Fork City;

WHEREAS, City Council desires to amend the standard for culinary water service tap;

WHEREAS, American Fork City finds it is in the best interest of the citizens of American Fork to make these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK that:

- 1. SECTION 15.01.1395 of the Municipal Code of American Fork City, relating to Typical Secondary Water Main Tap be amended and replaced with the attached standard detail for Pressurized Irrigation Service Tap.**

**PART II
PROVISIONS AND ADOPTION**

SECTION 1. Severability

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 2. Amendments to be added to the City Code.

The City Council hereby directs that the provisions enacted by this ordinance shall be made and placed in the City Code.

SECTION 3. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK, STATE OF UTAH, ON THIS ____ DAY OF _____, 2023.

Bradley J. Frost, Mayor

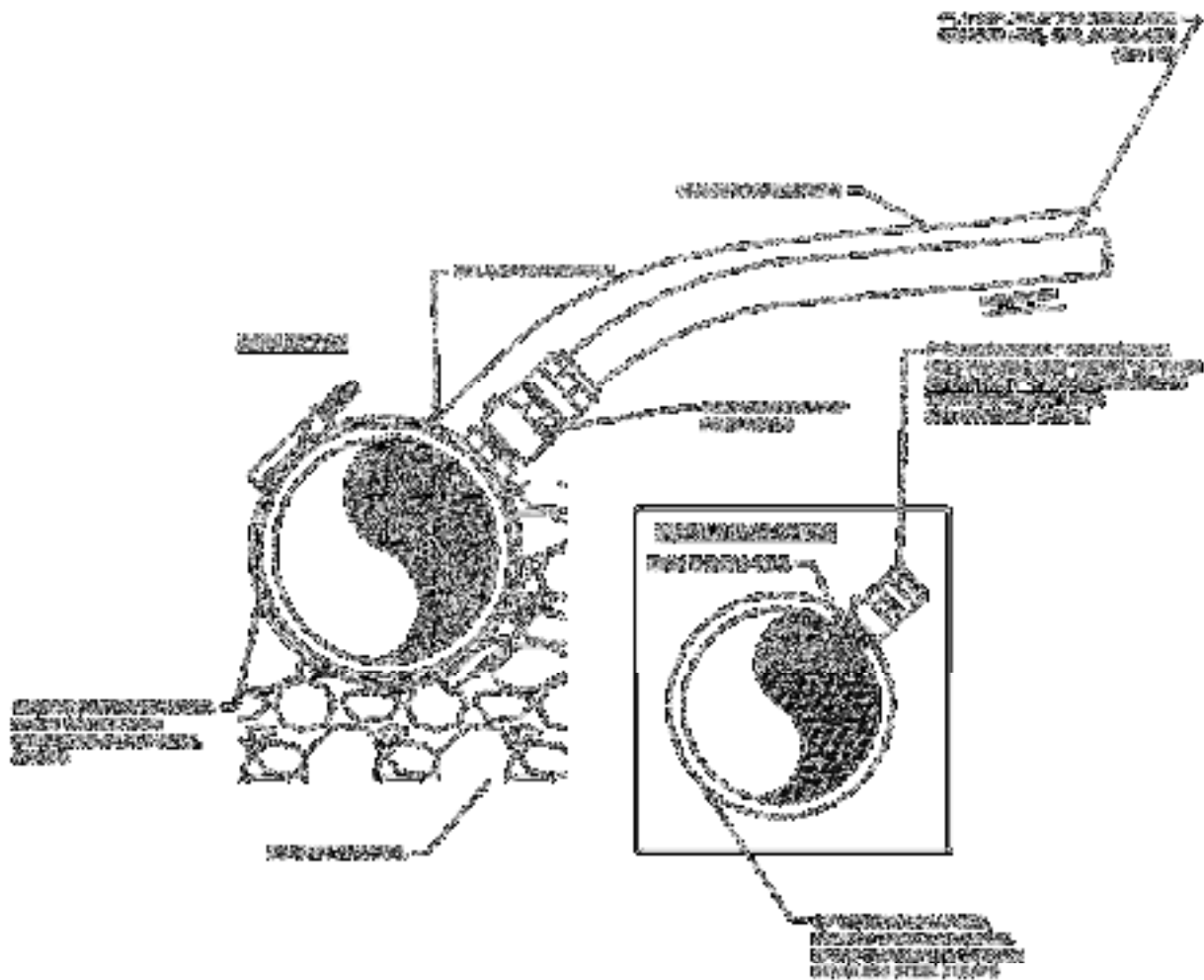
ATTEST:

Terilyn Lurker, City Recorder

[illegible][illegible][illegible][illegible]

PREPAID REGISTRATION SERVICE TAP

總目次



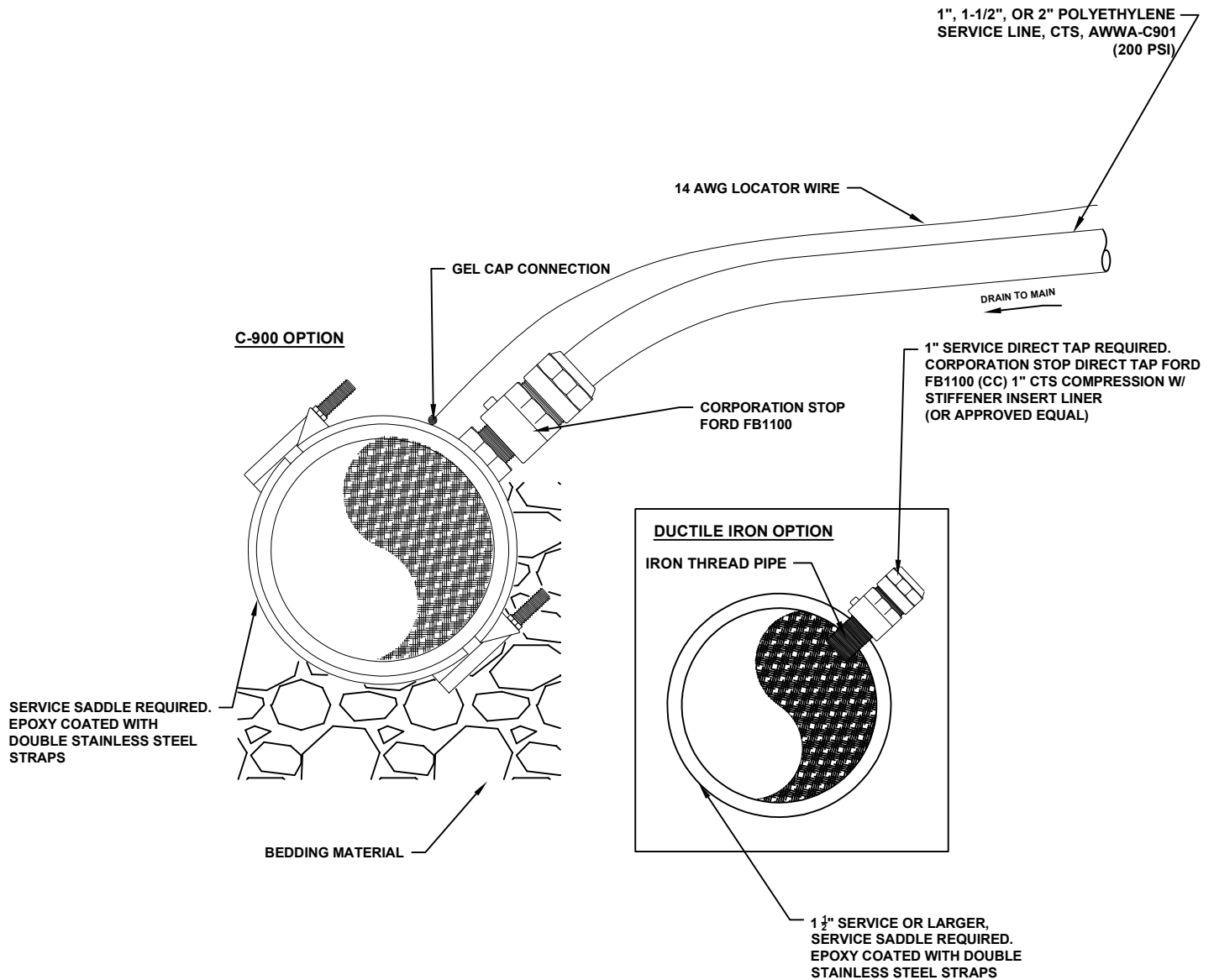
NOTES

1. THE WORKMAN SHALL PROTECT THE PIPE FROM THE EFFECTS OF THE WIND BY PLACING A COVER OVER THE OPEN END.
2. THE WORKMAN SHALL PROTECT THE PIPE FROM THE EFFECTS OF THE WIND BY PLACING A COVER OVER THE OPEN END.
3. THE WORKMAN SHALL PROTECT THE PIPE FROM THE EFFECTS OF THE WIND BY PLACING A COVER OVER THE OPEN END.
4. THE WORKMAN SHALL PROTECT THE PIPE FROM THE EFFECTS OF THE WIND BY PLACING A COVER OVER THE OPEN END.
5. THE WORKMAN SHALL PROTECT THE PIPE FROM THE EFFECTS OF THE WIND BY PLACING A COVER OVER THE OPEN END.

OWNER: ASG	 AMERICAN FORK CITY PUBLIC WORKS 275 EAST 200 NORTH (801) 763-3060	STANDARD DETAIL FOR	DRAWING NO: PI 15.3
DESIGNED: ASG		PRESSURIZED IRRIGATION SERVICE TAP	
DATE: JULY 2023			
SCALE: NTS			

PRESSURIZED IRRIGATION SERVICE TAP

NTS



NOTES

1. 1", 1 1/2", OR 2" CTS POLYETHYLENE 200 PSI PIPE PURPLE COLOR FOR PRESSURIZED IRRIGATION
2. STAINLESS STEEL INSERT STIFFENERS ARE REQUIRED ON ALL POLYETHYLENE CONNECTIONS.
3. TEFLON TAPE OR APPROVED EQUAL IS REQUIRED ON ALL THREADED CONNECTIONS.
4. PI LATERAL SHALL BE SLOPED TO DRAIN TOWARD MAIN.
5. SHALL BE INSTALLED AT 45 DEGREES IN RELATION TO THE CENTERLINE OF THE PIPE.

DRAWN: ASG
REVISED: ASG
DATE: JULY 2023
SCALE: NTS



AMERICAN FORK CITY
PUBLIC WORKS
275 EAST 200 NORTH
(801) 763-3060

STANDARD DETAIL FOR
PRESSURIZED IRRIGATION
SERVICE TAP

DRAWING NO.
PI 15.3



Agenda Topic

Review and action on an application for a Residential Accessory Structure, known as Sabin Accessory Structure, that is 1000 square feet or greater, located at 770 N 350 E, American Fork City, UT 84003. The Accessory Structure will be on approximately 1.05 acres and will be in the R1-9000 zone.

BACKGROUND INFORMATION		
Location:		770 N 350 E
Project Type:		Accessory Structure
Applicants:		Grayson Sabin
Existing Land Use:		Residential Low Density
Proposed Land Use:		Residential Low Density
Surrounding Land Use:	North	Residential Low Density
	South	Residential Low Density
	East	Residential Low Density
	West	Residential Low Density
Existing Zoning:		R1-9000
Proposed Zoning:		R1-9000
Surrounding Zoning:	North	R1-9000
	South	R1-9000
	East	R1-9000
	West	R1-9000

Background

The applicant has applied for a site plan to develop a Residential Accessory Structure. The Accessory Structure exceeds the 1000 square foot threshold, requiring the application to be brought to the Planning Commission for their determination. The proposed accessory structure is 3500 square feet, and the existing One Family Dwelling is 2,341 square feet.

Section 17.5.105 – Area of Accessory Buildings



Accessory buildings shall not be larger than an area two times the size of the footprint (foundation) of the primary structure; or cover more than twenty-five percent of the total rear yard area of a lot, whichever is less. All accessory buildings shall be of a character which is consistent and compatible with the bulk, height, style and construction materials of existing dwellings in the immediate vicinity. There shall be no signage on any portion of the accessory building and the area surrounding the accessory building shall be landscaped. An accessory building containing a building footprint of one thousand square feet or larger shall require approval of the planning commission, subject to the following findings: (1) the accessory building will be incidental to the primary use of the parcel, (2) the applicant has provided adequate assurance that neither the accessory building nor any portion thereof will be used or converted for use as living or sleeping quarters (see Section 17.5.106) or for the conduct of a business (except when located in a commercial zone permitting such activity), and (3) the bulk, height, style and construction material of the accessory structure is compatible with dwellings in the immediate vicinity and will not result in an undue negative impact upon adjacent properties.

Section 17.6.106 – Accessory Building Prohibited as Living Quarters

Living and sleeping quarters shall not be permitted in any accessory building.

Project Conditions of Approval

1. N/A

Findings of Fact

1. The Residential Accessory Structure meets the requirements of Section 17.5.105; 17.5.106, 17.4.204 (E)(2).

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.



7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Staff Recommendation

The Residential Accessory Structure meets the requirements of Section 17.5.105 and Section 17.5.106. Staff recommends APPROVING the application.

Potential Motions – Residential Accessory Structure

Approval

Madame Chair, I move to approve the proposed Residential Accessory Structure that is in excess of 1000 square feet, located at 770 N 350 E, American Fork City, UT 84003, in the Residential R1-9000 Zone, subject to any conditions found in the staff report and recommended by the Fire Marshall.

Denial

Madame Chair, I move to deny the proposed Residential Accessory Structure that is in excess of 1000 square feet, located at 770 N 350 E, American Fork City, UT 84003, in the Residential R1-9000 Zone.



Table

Madame Chair, I move to table action for the proposed Residential Accessory Structure that is in excess of 1000 square feet, located at 770 N 350 E, American Fork City, UT 84003, in the Residential R1-9000 Zone and instruct staff/developer to.....

DRAWING NOTES

DESIGN CODE: 2021 IBC.
USE GROUP: U
CONSTRUCTION TYPE VB
DESIGN CATEGORY: RISK CATEGORY II

SEISMIC CRITERIA:
DESIGN CATEGORY D
SOIL SITE CLASS D (ASSUMED)
R = 2.5 (LIGHT-FRAME WALLS WITH SHEAR PANELS OF ALL OTHER MATERIALS)
SS= 1.33g, S1= 0.49g; SDS= 1.06g
ANALYSIS PROCEDURE: EQUIVALENT LATERAL FORCE
BASE SHEAR= 16,497 LBS

WIND LOAD:
ULTIMATE WIND DESIGN SPEED: 103 MPH 3 SEC. GUST
TERRAIN EXPOSURE C

FROST DEPTH: 30 IN
SITE ELEVATION: 4690 FT

SNOW LOAD:
GROUND SNOW LOAD: 34 PSF
ROOF DESIGN SNOW LOAD: 30 PSF MAIN; 48 PSF LEAN

DEAD LOADS:
ROOF 4 PSF
WALLS 4 PSF
FLOOR 10 PSF

ROOF LIVE LOAD: 20 PSF
FLOOR LIVE LOAD: 40 PSF

CONCRETE FOUNDATION NOTES:
1. 28 DAY STRENGTH (F'C) W/ NORMAL 145 PCF DENSITY:
1.1. FOOTINGS: 2500 PSI
1.2. SLABS ON GRADE: 2500 PSI REQ'D, 3500 PSI RECOMMEND
2. ALL SLABS: PROVIDE A MIN. THICKNESS OF 4" W/ 4" DEEP MIN. CRUSHED GRAVEL BASE.
3. CONTRACTION/CONTROL JOINTS SHALL BE INSTALLED IN SLABS ON GRADE SO THE LENGTH TO WIDTH RATIO OF THE SLAB IS NO MORE THAN 1.5:1. CONTROL JOINT SPACING SHALL NOT EXCEED 30 TIMES THE SLAB THICKNESS IN ANY DIRECTION, UNLESS OTHERWISE NOTED.
4. CONTROL JOINTS SHALL BE COMPLETED WITHIN 6-18 HOURS OF CONCRETE PLACEMENT.
5. CONTROL JOINTS SHALL BE TOOLED OR SAWED TO THE GREATER DEPTH OF 1" DEEP OR 1/4 THICKNESS OF CONCRETE SLAB.

SOILS AND EXCAVATION:
6. NO SOILS REPORT PROVIDED - STABLE SOIL CHARACTERISTICS ASSUMED. ALL DESIGN WAS BASED ON STABLE SOIL CHARACTERISTICS. GEOTECHNICAL HAZARDS FOUND ON OR AROUND THE SITE, INCLUDING EXPANSIVE CLAYS, OR SOILS FOUND AT THE SITE WHILE EXCAVATION OCCURS WHICH DIFFERS FROM THOSE ASSUMED SHOULD BE BROUGHT TO THE ATTENTION OF THE BUILDING OFFICIAL AND ENGINEER.
7. ALLOWABLE BEARING PRESSURE: 1500 PSF
8. NATIVE MATERIAL SURROUNDING FOOTINGS TO BE DISTURBED MINIMALLY DURING EXCAVATION.
9. FOOTINGS SHALL BE PLACED ENTIRELY IN UNDISTURBED NATIVE SOILS OR STRUCTURAL FILL WHICH IS BEARING ON UNDISTURBED NATIVE SOILS.
10. ALL BACKFILLING SHALL BE DONE WITH GRANULAR FREE-DRAINING MATERIAL. EXISTING SITE MATERIAL MAY BE USED IF FREE FROM CLAY SOILS AND ANY CONSTRUCTION DEBRIS. COMPACT ALL BACKFILL MATERIAL IN 8 INCH LIFTS TO 95% OF MODIFIED PROCTOR DENSITY.
11. SLOPE FINISHED GROUND AWAY FROM THE BUILDING A MINIMUM OF 6 INCHES VERTICAL IN 10 FEET HORIZONTAL.

Next Step:

Approved
Proceed to Planning
Commission on 8/16/23

BEEHIVE BUILDINGS

GRAYSON SABIN BUILDING

Sec 15.01.110
Where an existing improved site is proposed by the Applicant to be retrofitted, remodeled or redeveloped, Applicant shall provide easements as required by this section. In areas where existing improvements and conditions prohibit the Applicant from complying with all easement requirements, Applicant shall provide alternative easements to meet the intent of this section for City Engineer's review. City Engineer may approve alternative locations for easements as deemed appropriate and necessary by City Engineer.

It is Engineering's understanding that for the purpose of planning commission that engineering review is not necessary and identified concerns will need to be addressed at or before building department stage.

Better fire department access is recommended due to distance from the available accesses on the property. This creates multiple challenges with reach and manpower. Note: The building is not to be occupied for anything other than storage as a Type U Miscellaneous occupancy. Because of location, and lack of access, the owner may be held civilly liable for damages on surrounding properties in the event of fire or other related issues.

Include an updated grading and drainage plan that shows the proposed/new contour lines and contour labels, direction of the storm drain runoff using arrows along with the slope%. Show the grading and drainage plan based on a 100-year, 24hr. Storm event. This is a large structure and a large impervious area. The water retention for this site will need to be designed and engineered to capture runoff from entering neighboring properties. Include Geotechnical report that include percolation rates for the proposed retention system.

American Fork City
Development Review Committee

Planning and Zoning
Reviewed
tvanekeleburg 07/31/2023

Fire Department
Reviewed
M. Sacco 07/31/2023

Engineering Division
Reviewed
lburrr 08/03/2023

BUILDING INFORMATION

SITE INFORMATION:

ADDRESS:
770 NORTH 350 EAST
AMERICAN FORK, UTAH

BUILDING INFORMATION:

DIMENSIONS: 50' x 70'
TOTAL SQUARE FOOTAGE: 4550 S.F.
MAIN BUILDING: 3500 S.F.
LEANS: 1050 S.F.

CONTRACTOR

BEEHIVE BUILDINGS

CONTACT: TRESSA ROBERTS
TRESSA@BEEHIVEBUILDINGS.COM
PHONE: 801-821-9921



DRAFTING & ENGINEERING

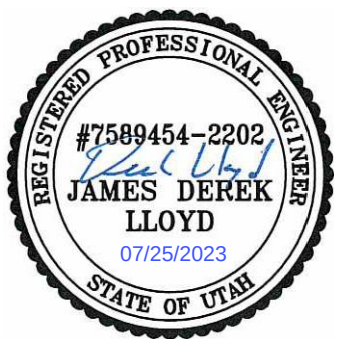
MOUNTAIN POINT ENGINEERING

CONTACT: DEREK LLOYD
DEREK@MOUNTAINPOINTENGINEERING.COM
PHONE: 801-450-5332



DRAWING INDEX

SHEET	DESCRIPTION
01	FOUNDATION PLAN
02	FLOOR PLAN
03	ROOF PLAN
04	ELEVATIONS
05	GIRT PLAN
06	PANEL LAYOUT
07-09	DETAIL SHEETS



ENGINEER STAMP

DATE
07/25/2023

WEST



ENGINEER STAMP

MOUNTAIN POINT
ENGINEERING

FLOOR PLAN

GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

PROJECT
B386

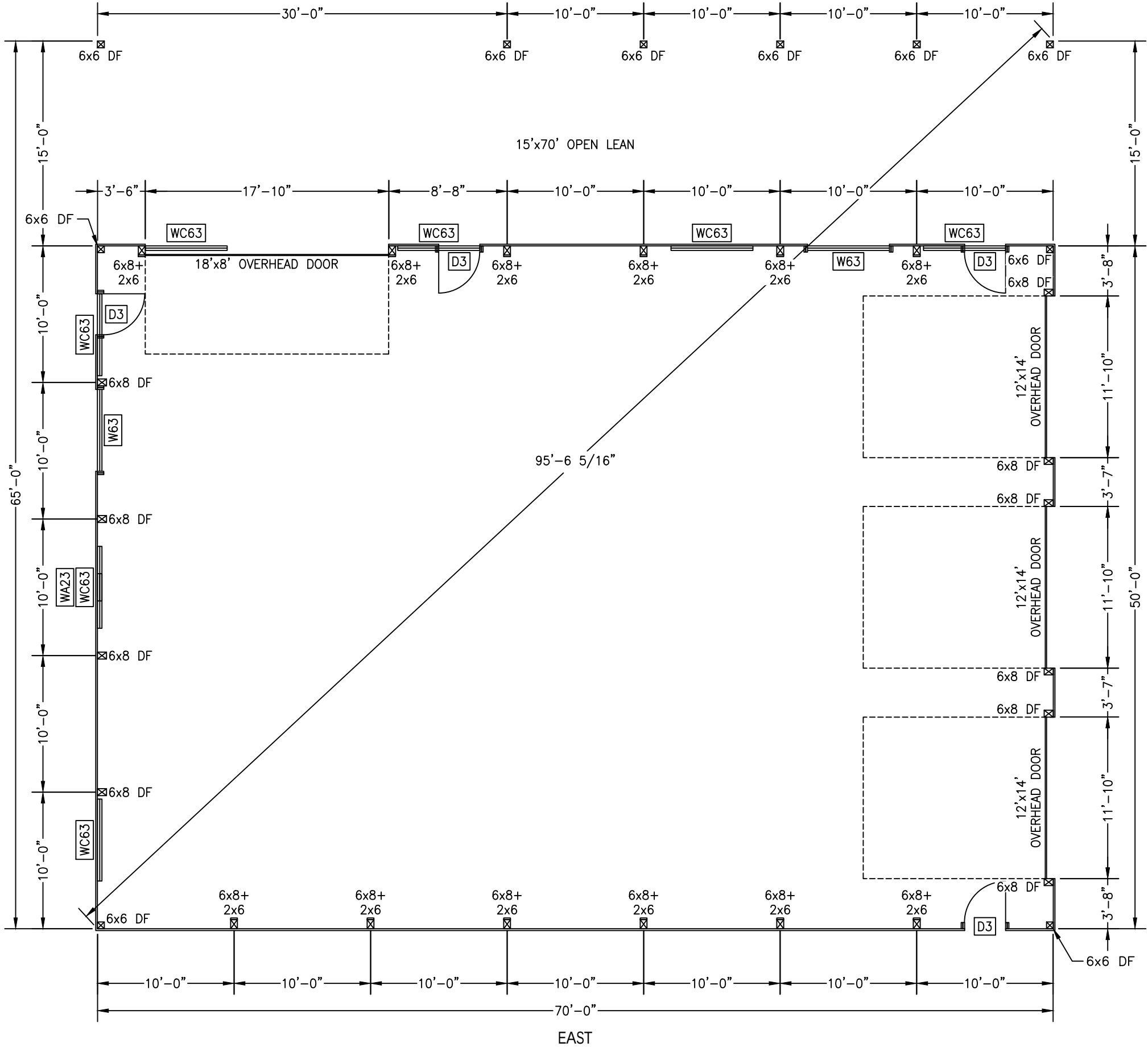
SCALE
1/8" = 1'-0"

DATE
07/25/2023

SHEET
02

SOUTH

NORTH



- [D3] 3068 DOOR
[WA23] 2030 ATTIC WINDOW
[W63] 6030 WINDOW
[WC63] 6030 CLERESTORY WINDOW

- NOTES:
1. 6x6 DF: 6x6 DF-L #2 TREATED POST.
2. 6x8 DF: 6x8 DF-L #2 TREATED POST.
3. 6x8+2x6: 6x8 DF-L #2 TREATED POST WITH TREATED 2x6 DF-L #2 ATTACHED PER DETAIL ON SHEET 08.
4. EMBED POST INTO CONCRETE PIER. SEE DETAIL ON SHEET 08.
5. ROOF: 29 GA STEEL PANEL
6. WALLS: STANDARD GIRTS, WATER-RESISTIVE BARRIER HOUSEWRAP, 29 GA STEEL PANEL

WEST

SEE DETAIL ON SHEET 08 FOR
LEAN ROOF BEAM TO HEADER CONNECTION

1'-0" OVERHANG (TYP.)

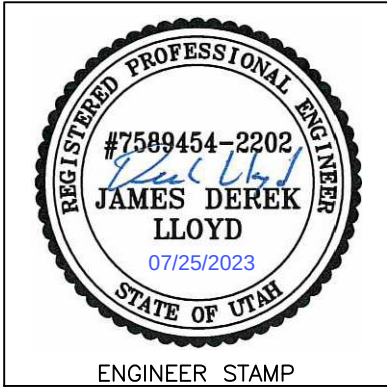
SEE DETAIL ON SHEET 08 FOR
TRUSS TO HEADER CONNECTION

SOUTH

2X6 DF-L #2 ROOF PURLINS AT 24" ON CENTER
OVERLAPPED 20" MIN (TYP.)
5" MAX FROM RIDGE LINE

NORTH

EAST



ROOF PLAN

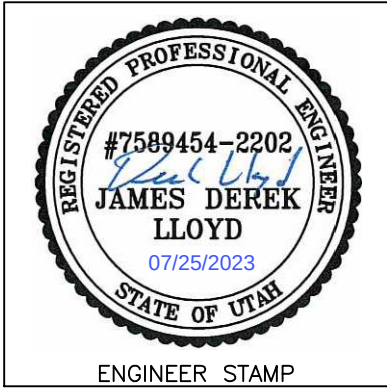
GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

BEAMS:
B1: 1-3/4"x11-1/4" LVL
B2: (3) 1-3/4"x18" LVL; CC66 COLUMN CAP EACH
POST, ECC66 AT END POSTS (4 TOTAL)
B3: (4) 1-3/4"x16" LVL; ECC86 COLUMN CAP EACH
POST (2 TOTAL)

BR 2x6 DIAGONAL BRACE

- NOTES:
- TRUSSES WILL BE DEFERRED PER IBC 107.3.4.1 AND WILL BE DESIGNED BY A LICENSED ENGINEER IN THE STATE OF UTAH.
 - PROVIDE TRUSS BOTTOM CHORD BRACING PER TRUSS MANUFACTURER'S SPECIFICATIONS.

PROJECT	B386
SCALE	1/8" = 1'-0"
DATE	07/25/2023
SHEET	03



ELEVATIONS

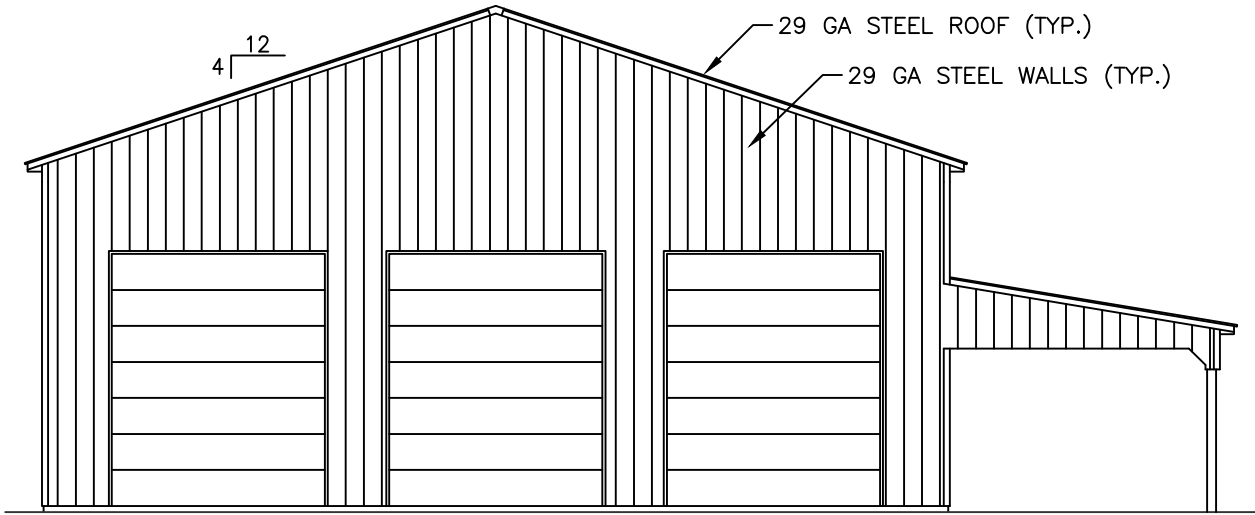
GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

PROJECT
B386

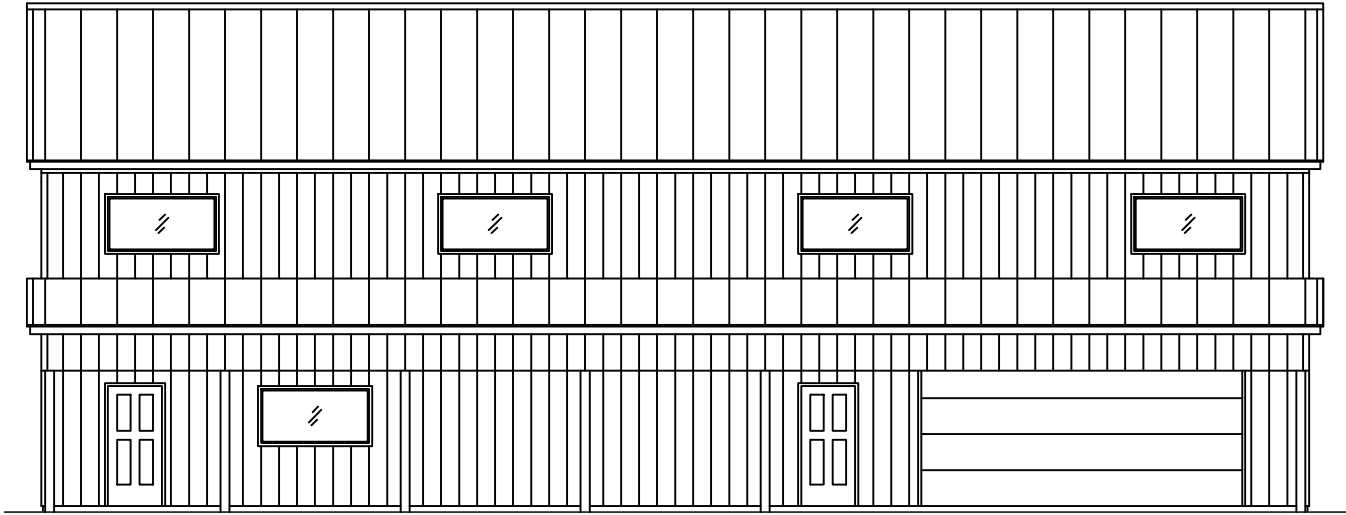
SCALE
3/32" = 1'-0"

DATE
07/25/2023

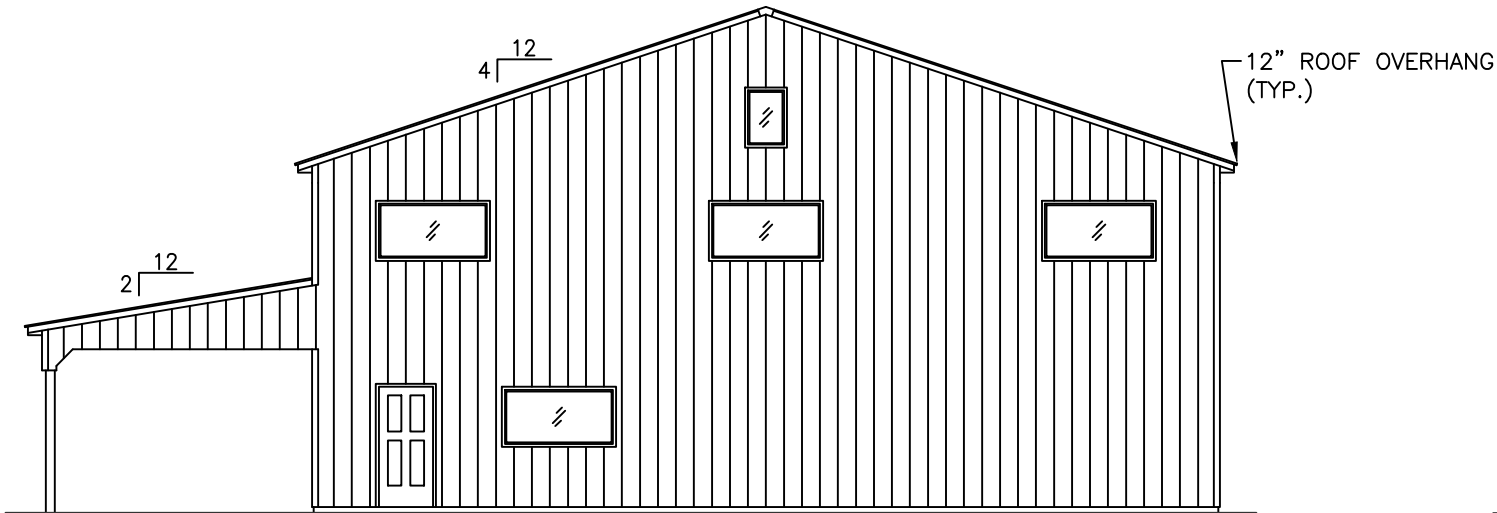
SHEET
04



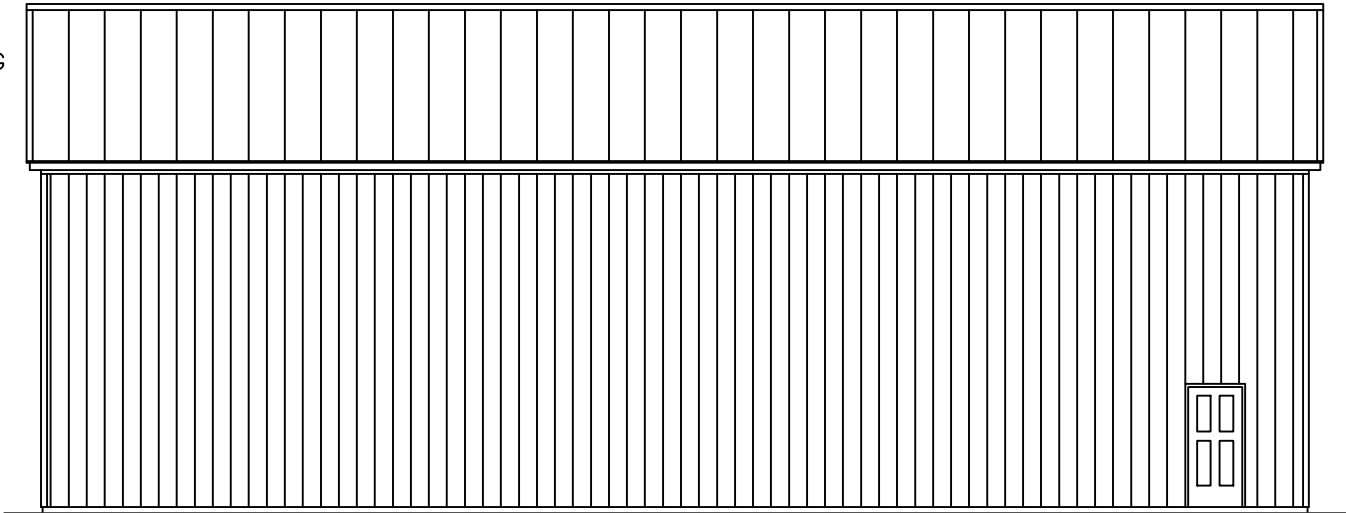
GABLE END ELEVATION - NORTH



SIDE ELEVATION - WEST

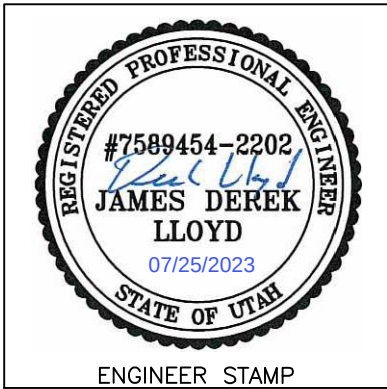
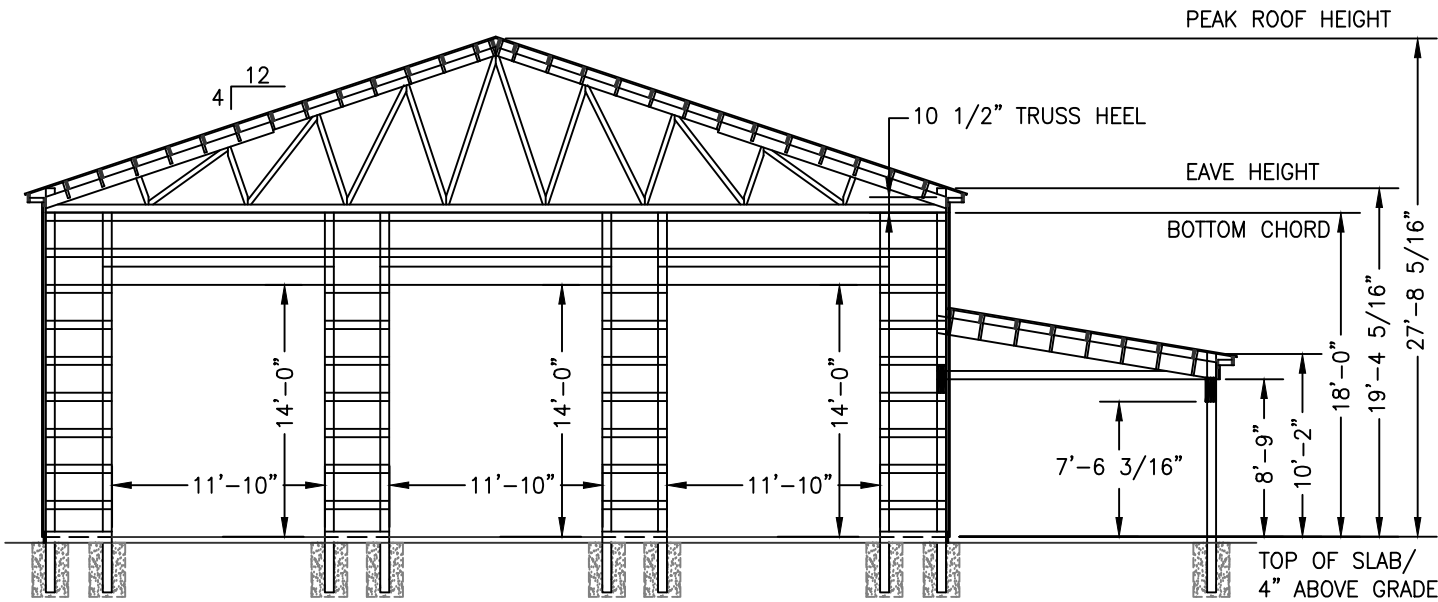


GABLE END ELEVATION - SOUTH

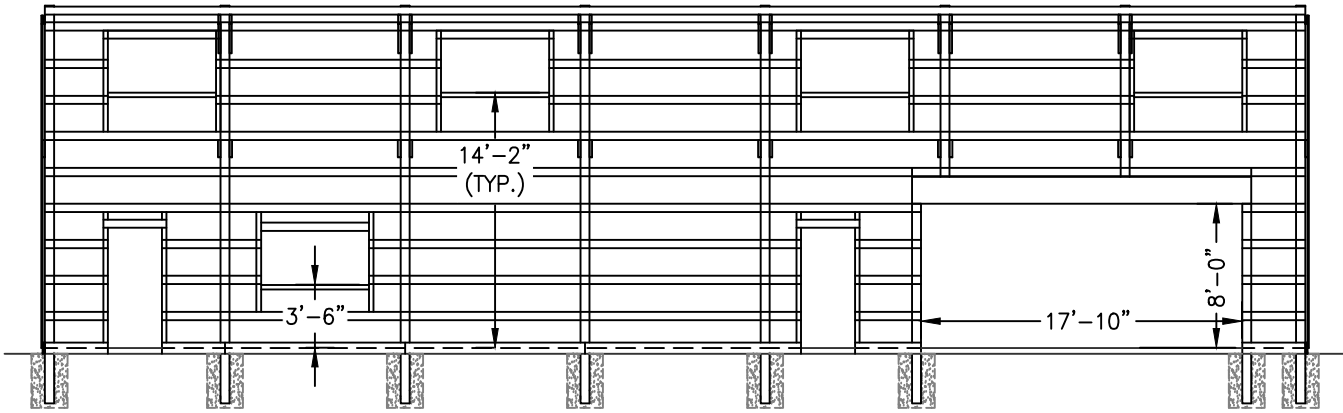


SIDE ELEVATION - EAST

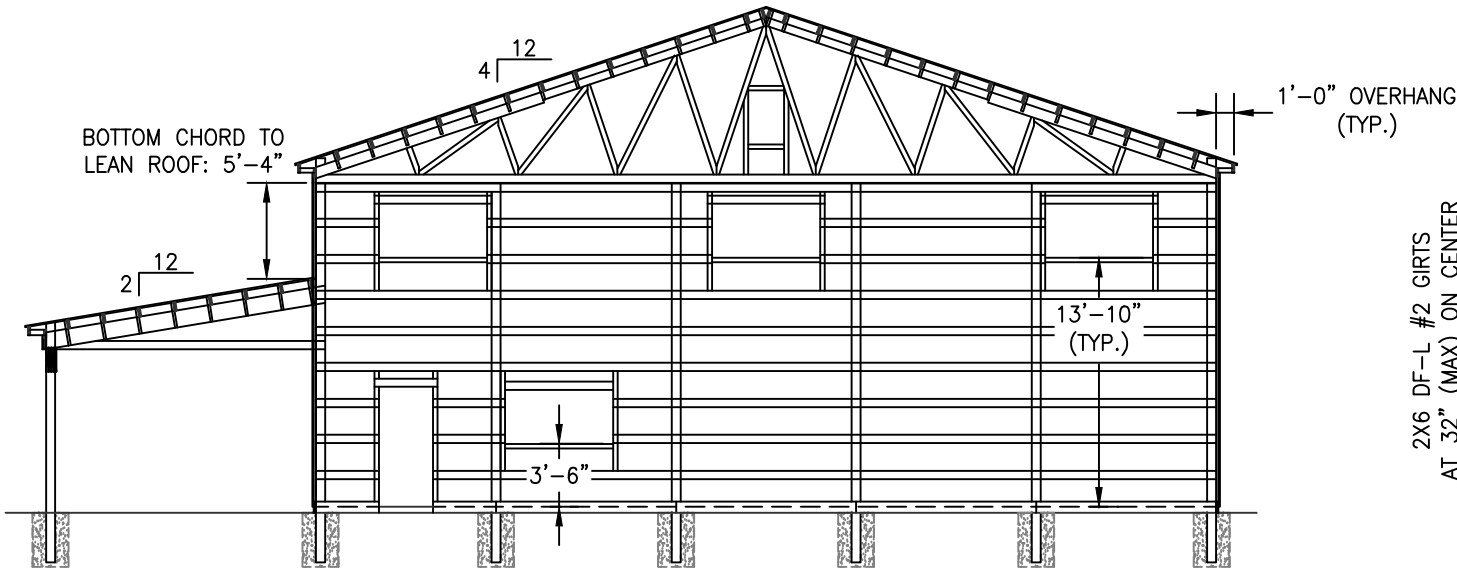
NOTES:
1. TRUSS HEEL SHOWN AT 10-1/2" ON THESE PLANS. COMPARE PLAN DIMENSIONS WITH TRUSS MANUFACTURER DRAWINGS AND ADJUST PLAN DIMENSIONS (EAVE HEIGHT, PEAK HEIGHT, PANEL LENGTHS, ETC) AS NECESSARY.



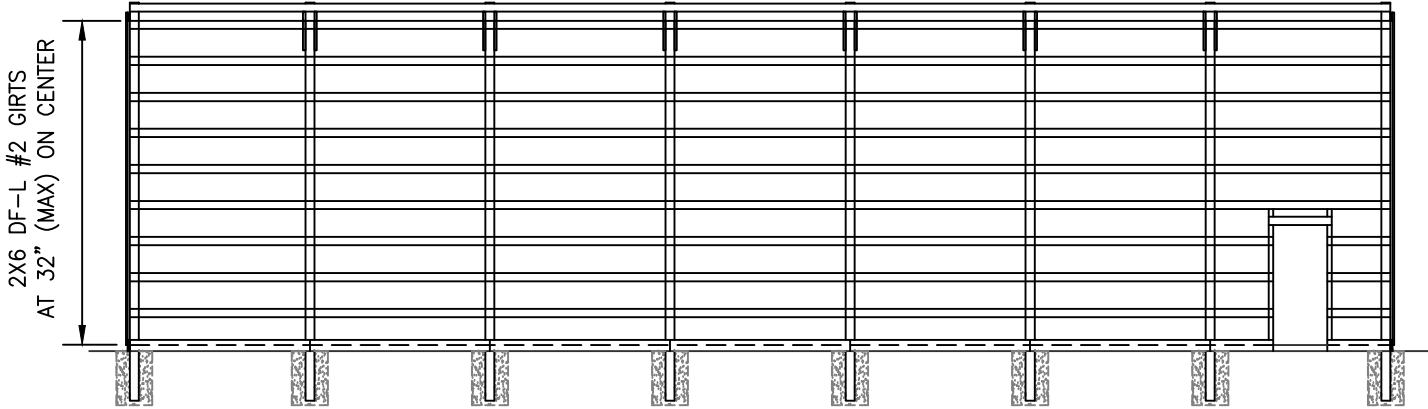
GABLE END GIRT WALL - NORTH



SIDE GIRT WALL - WEST



GABLE END GIRT WALL - SOUTH



SIDE GIRT WALL - EAST

GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

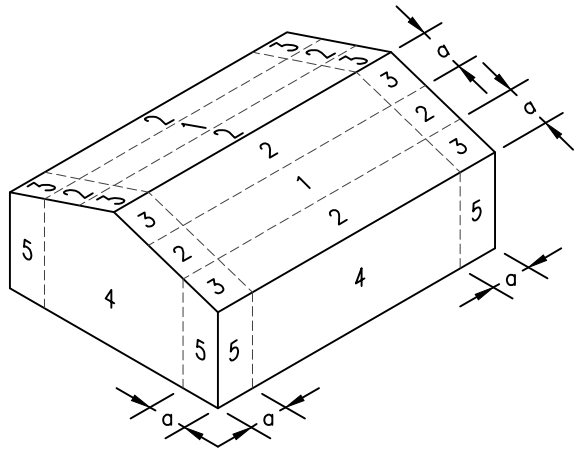
PROJECT
B386

SCALE
3/32" = 1'-0"

DATE
07/25/2023

SHEET
05

GIRT PLAN

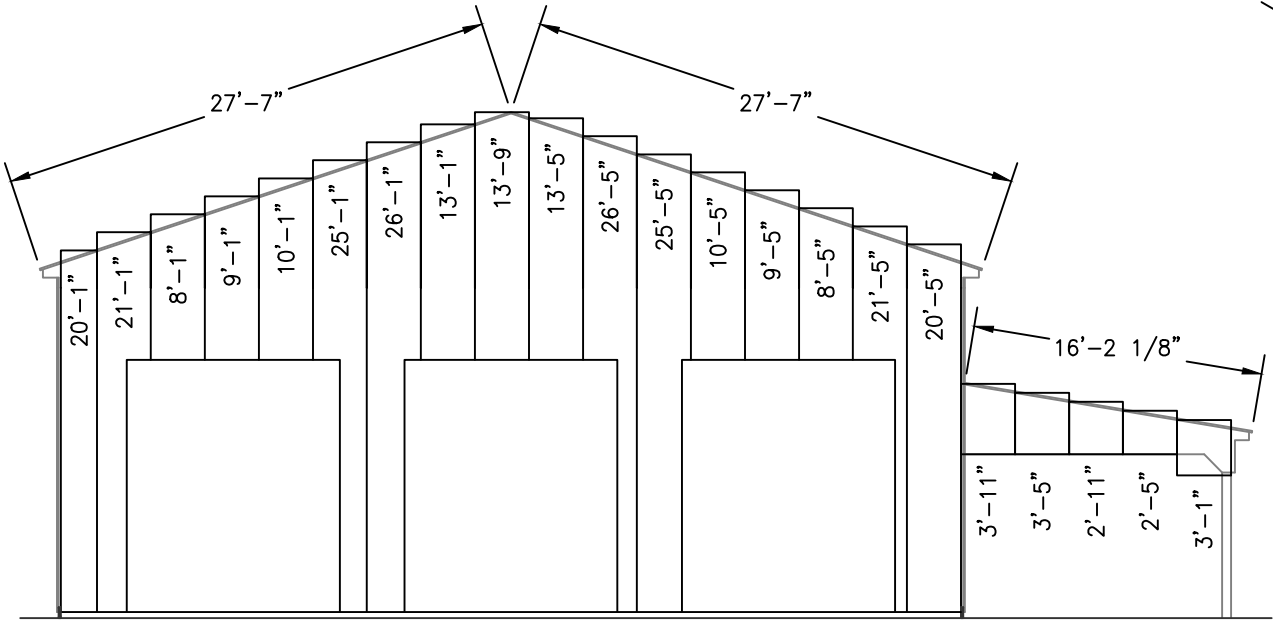


COMPONENTS AND CLADDING DESIGN WIND PRESSURE		
ZONE	MAX	MIN
1 ROOF INTERIOR	16.0	-23.8
2 ROOF EDGE	16.0	-30.3
3 ROOF CORNERS	16.0	-34.7
4 WALL INTERIOR	16.0	-16.0
5 WALL EDGE	16.0	-16.1

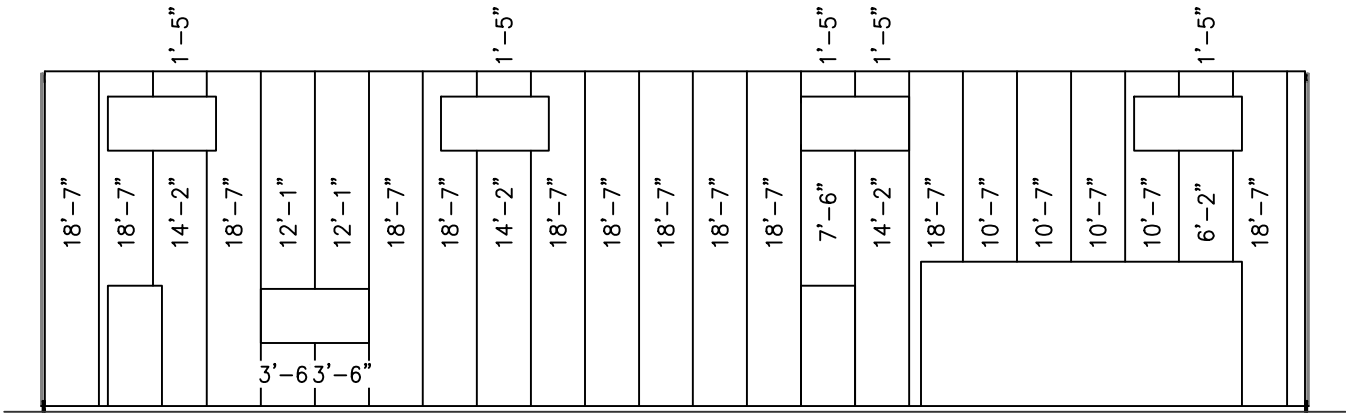
a= 5.0 FEET AND IS MEASURED FROM WALL CORNER OR FROM EDGE OF ROOF OVERHANG



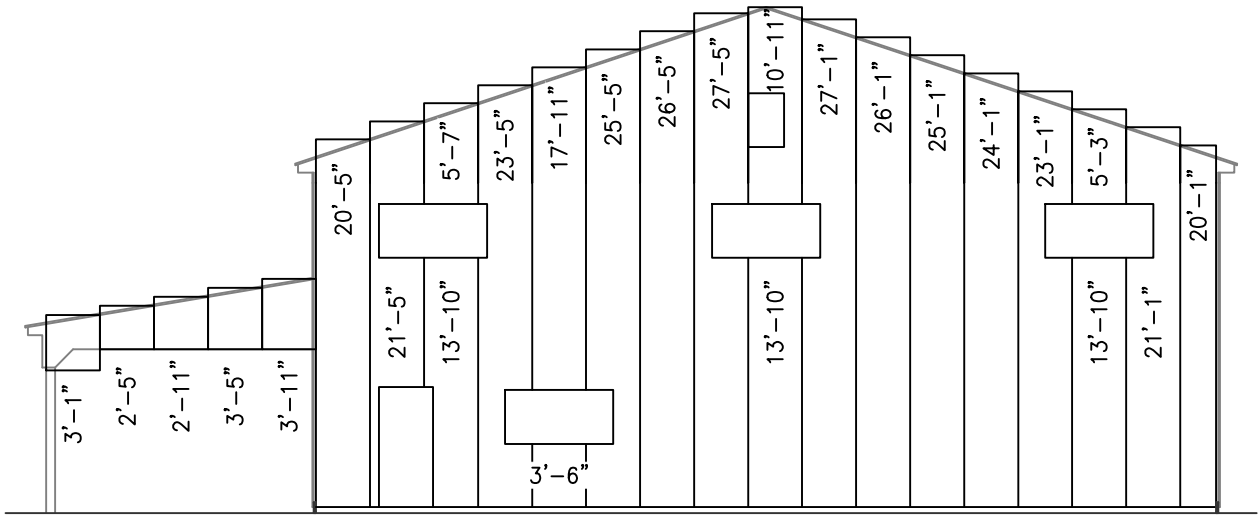
ENGINEER STAMP



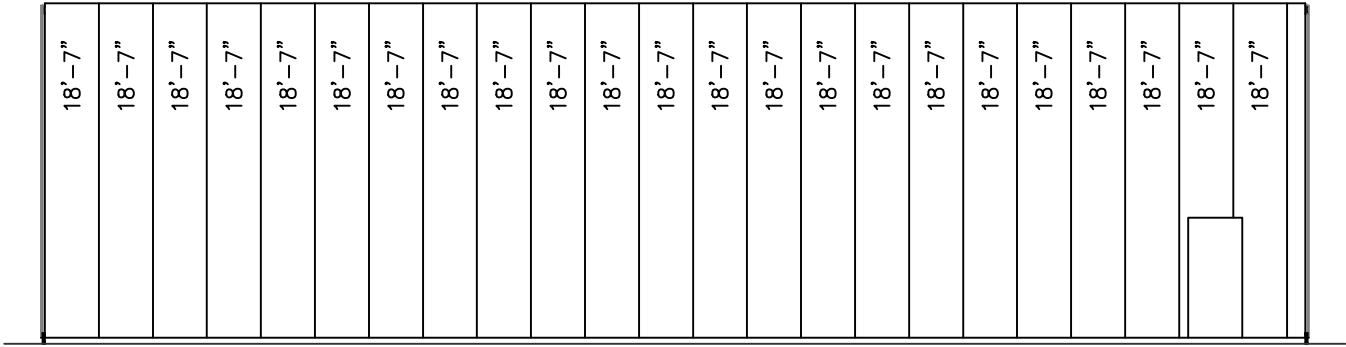
END PANEL LAYOUT - NORTH



SIDE PANEL LAYOUT - WEST



END PANEL LAYOUT - SOUTH



SIDE PANEL LAYOUT - EAST

PANEL LAYOUT

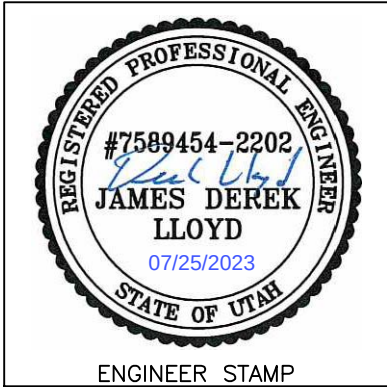
GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

PROJECT
B386

SCALE
3/32" = 1'-0"

DATE
07/25/2023

SHEET
06

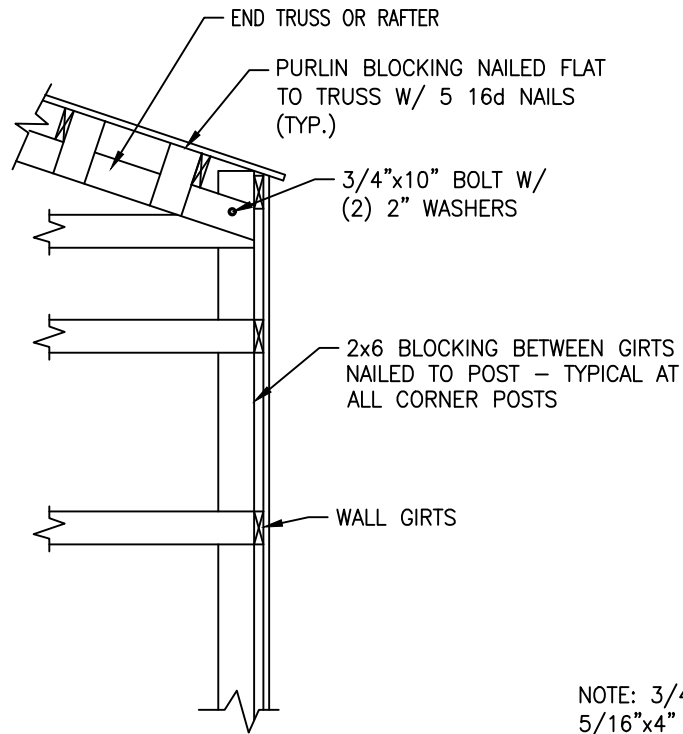


MOUNTAIN POINT
ENGINEERING

DETAIL SHEET

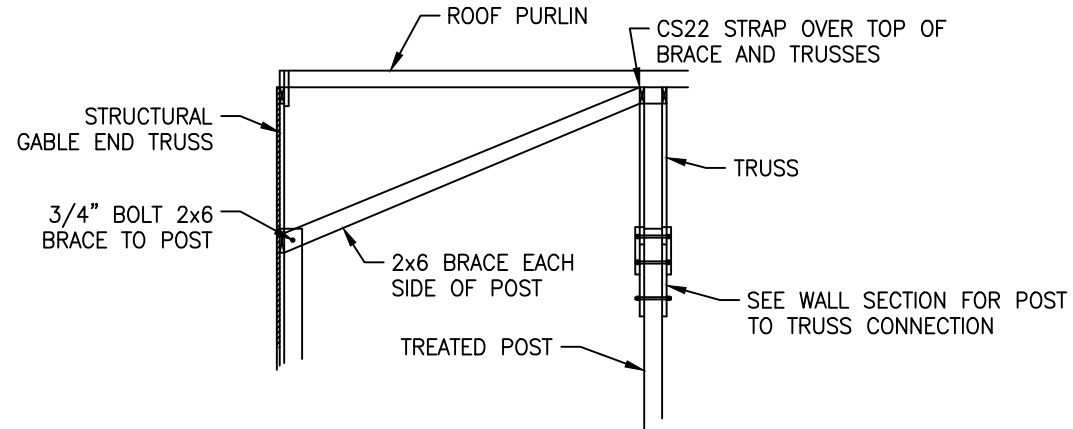
GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

PROJECT
B386
SCALE
AS NOTED
DATE
07/25/2023
SHEET
07

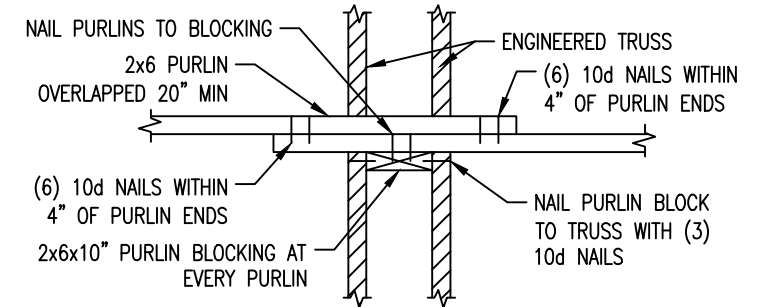


CORNER BLOCKING
NOT TO SCALE

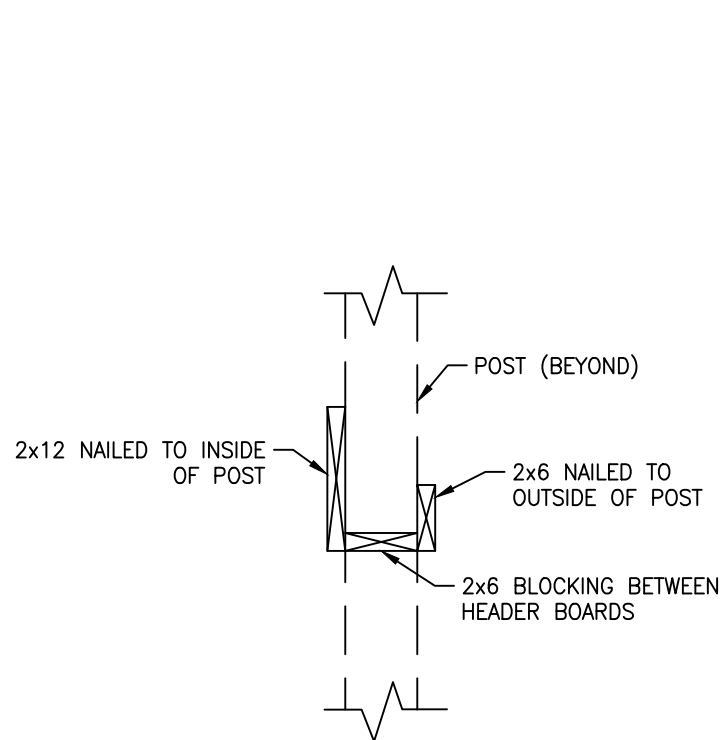
NOTE: 3/4" BOLT ALTERNATIVE: (2)
5/16"x4" POWERLAG FASTENERS
(TYP. FOR CORNER BLOCKING AND
POST TO TRUSS BRACE DETAILS)



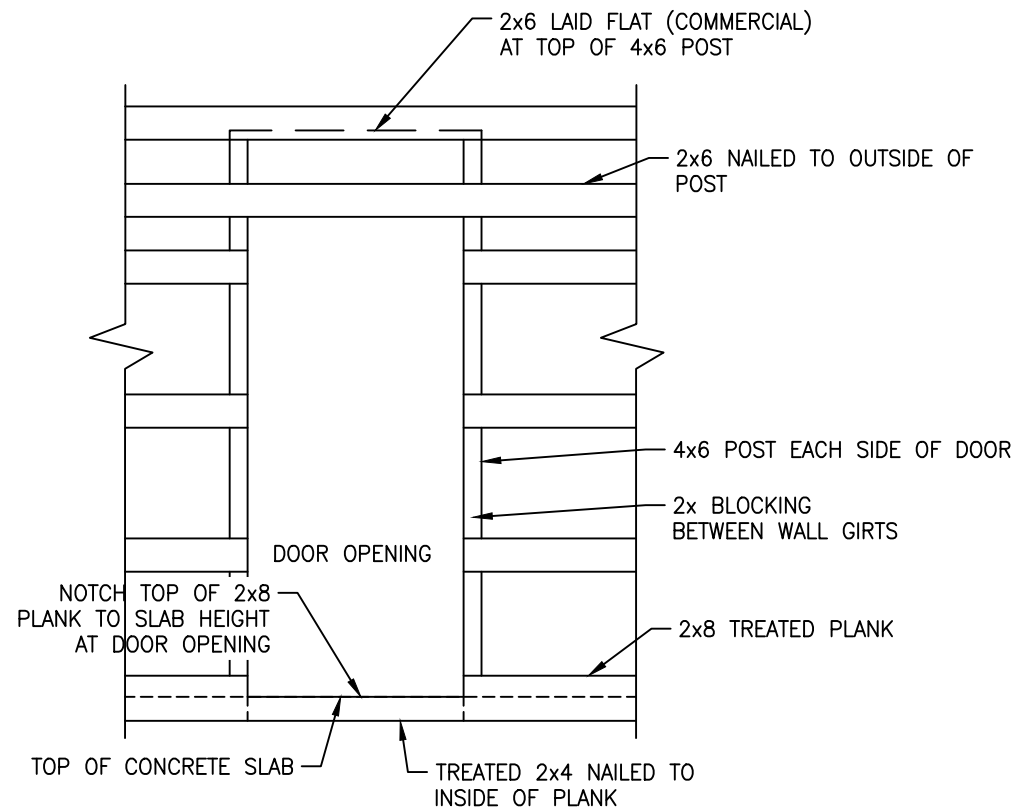
POST TO TRUSS BRACE
NOT TO SCALE



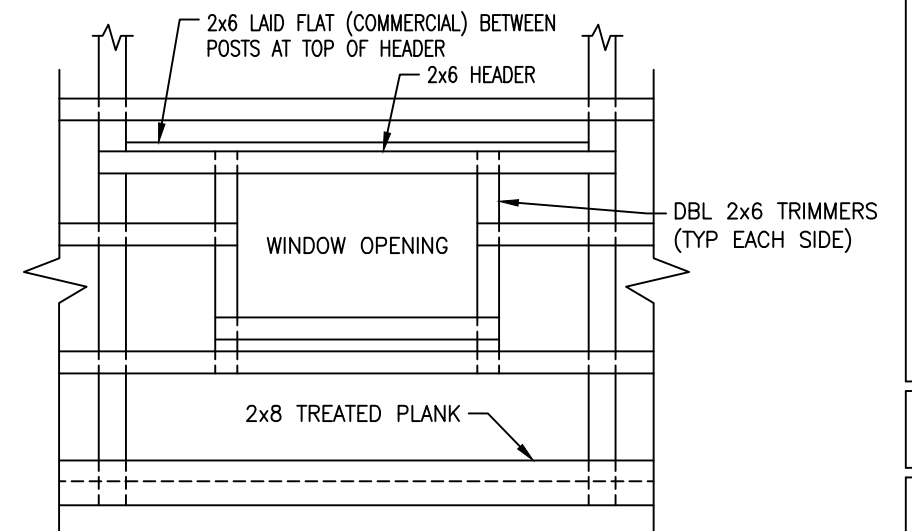
PURLIN CONNECTION
NOT TO SCALE



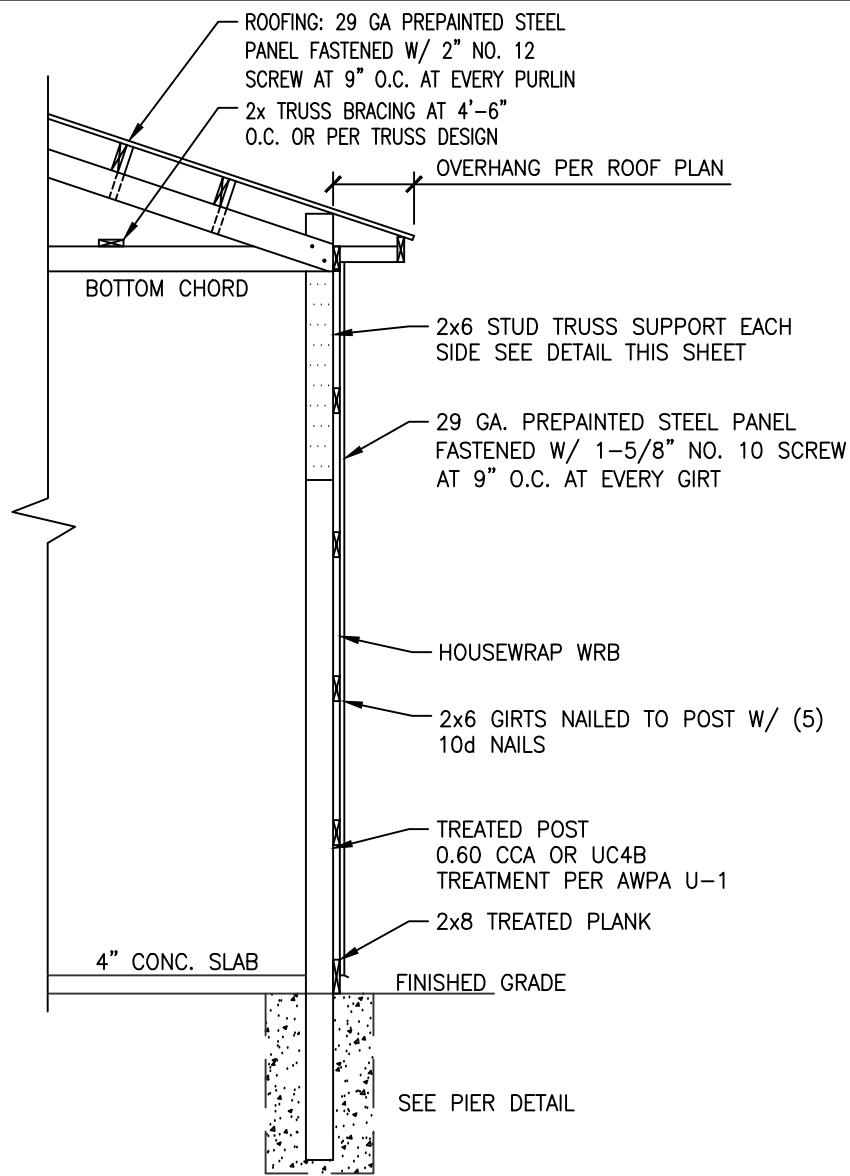
OVERHEAD DOOR HEADER
NOT TO SCALE



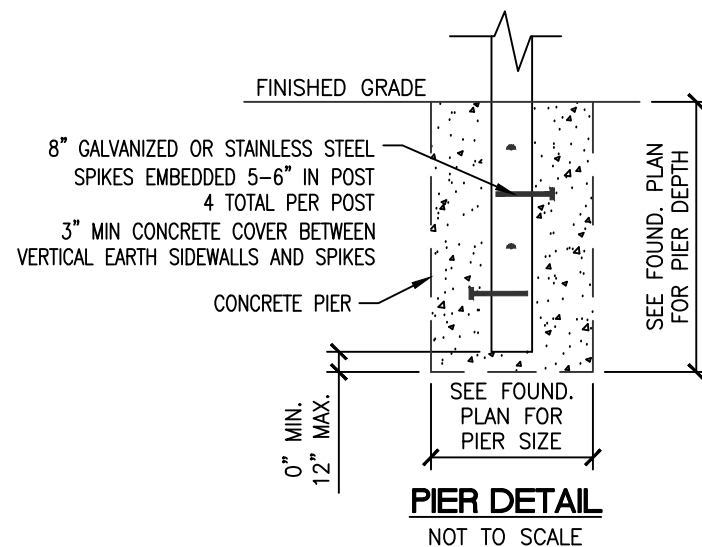
MAN DOOR OPENING
NOT TO SCALE



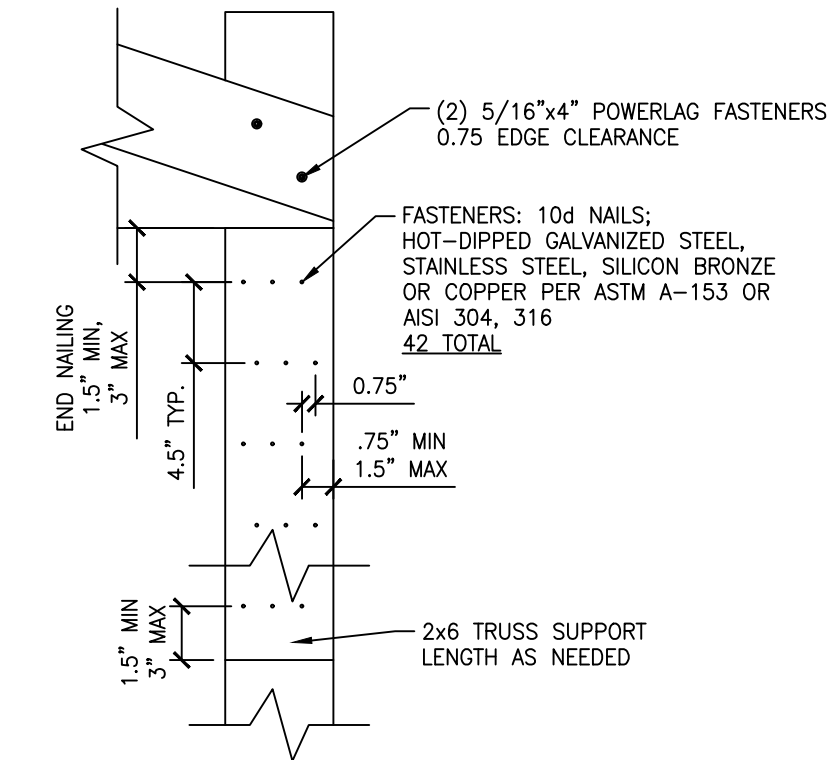
WINDOW OPENING
NOT TO SCALE



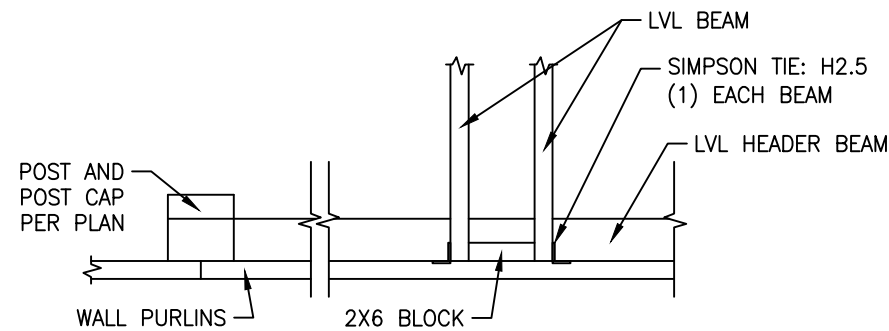
TYPICAL WALL SECTION
NOT TO SCALE



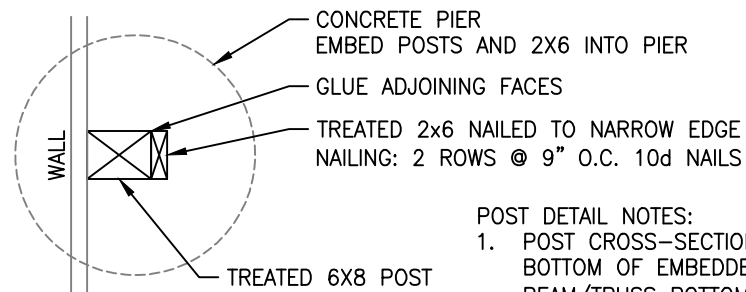
PIER DETAIL
NOT TO SCALE



TRUSS SUPPORT TO POST CONNECTION DETAIL
NOT TO SCALE

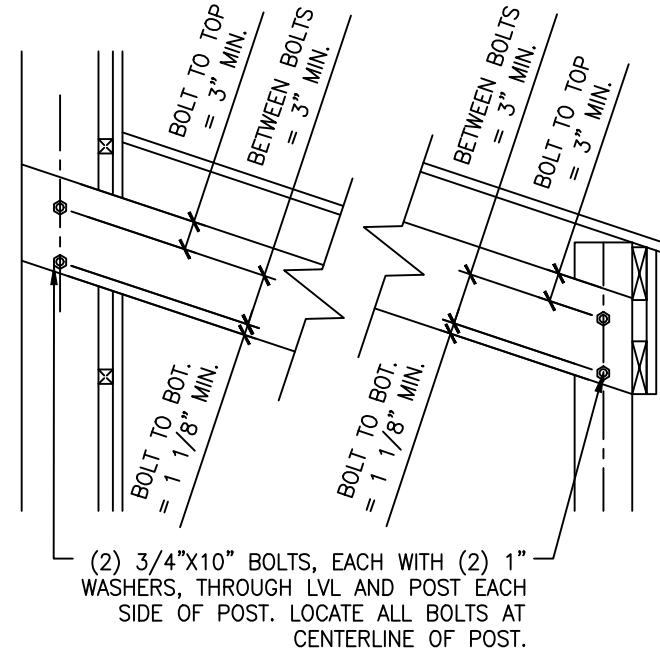


LEAN HEADER DETAIL
NOT TO SCALE

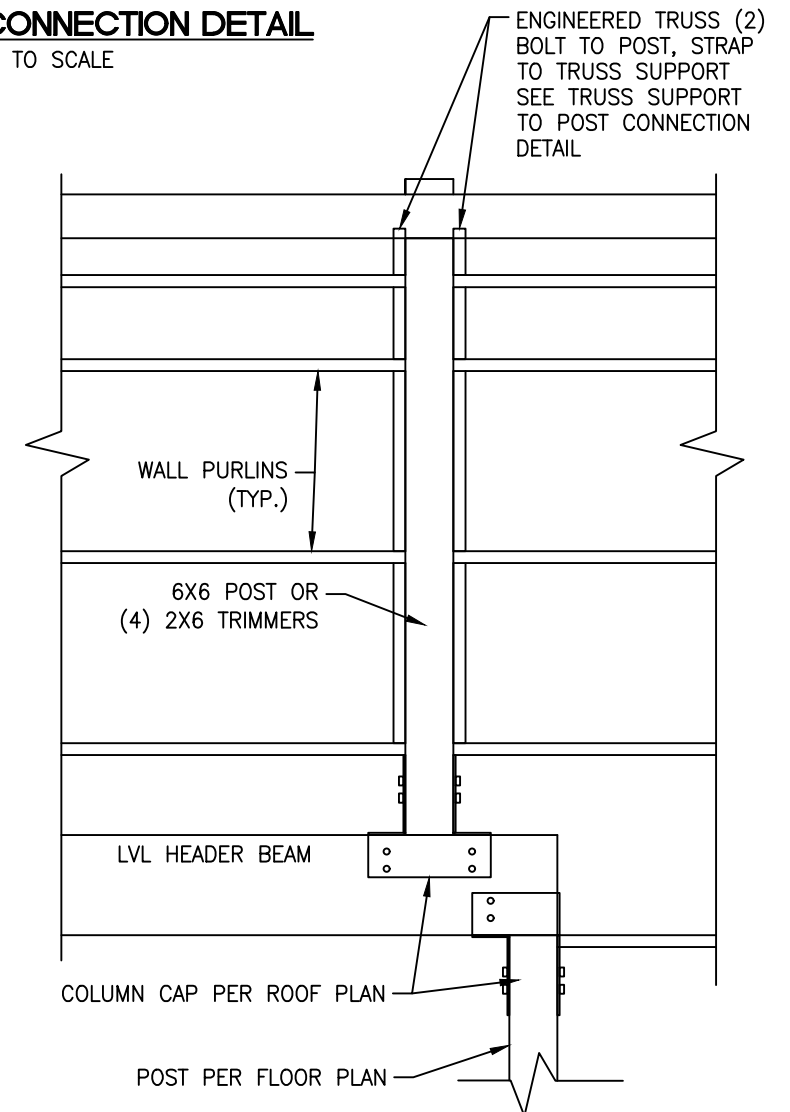


POST DETAIL
NOT TO SCALE

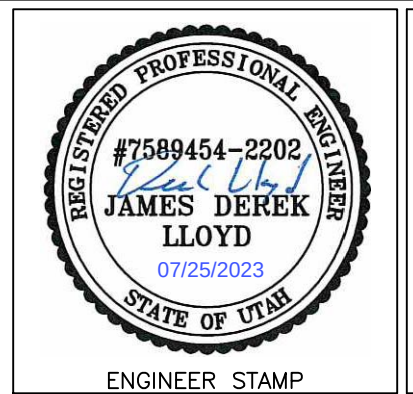
- POST DETAIL NOTES:
1. POST CROSS-SECTIONS SHOWN TO BE CONTINUOUS FROM BOTTOM OF EMBEDDED POST TO BOTTOM OF LOWEST BEAM/TRUSS BOTTOM CHORD.
 2. SPLICES NOT PERMITTED IN 6X8 POSTS.
 3. 2x6s AND 2x8s MAY BE SPLICED 6 FEET ABOVE TOP OF SLAB. SPLICE NAILING: 2 ROWS AT 4.5" 15 INCHES EITHER SIDE OF SPLICE. UNTREATED WOOD OK ABOVE SPLICE.
 4. EDGE NAILING: 1.5" MIN, 3" MAX
 5. END NAILING: 2.25" MIN, 3" MAX



LVL TO POST CONNECTION DETAIL
NOT TO SCALE



TRUSS TO HEADER CONNECTION
NOT TO SCALE



MOUNTAIN POINT
ENGINEERING

DETAIL SHEET

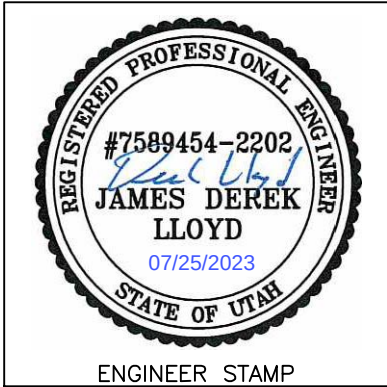
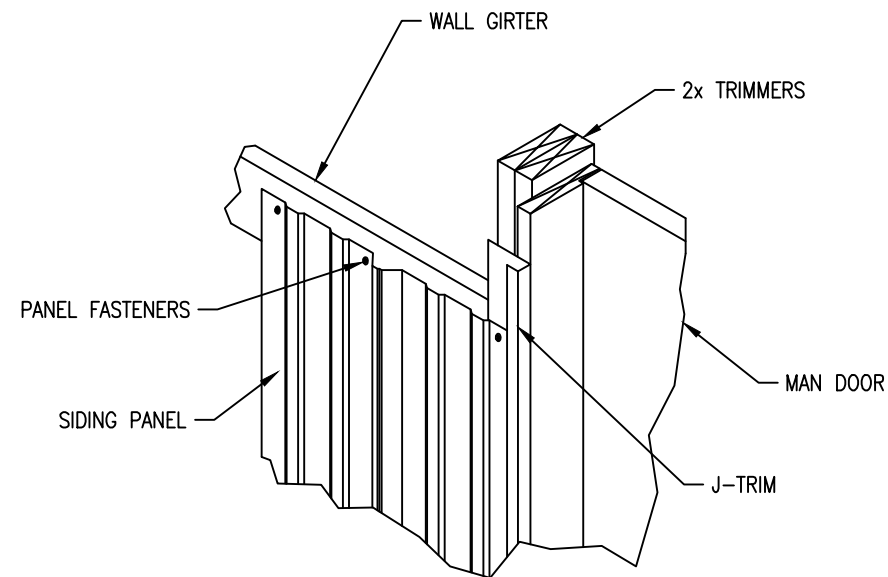
GRAYSON SABIN BUILDING
AMERICAN FORK, UTAH

PROJECT
B386

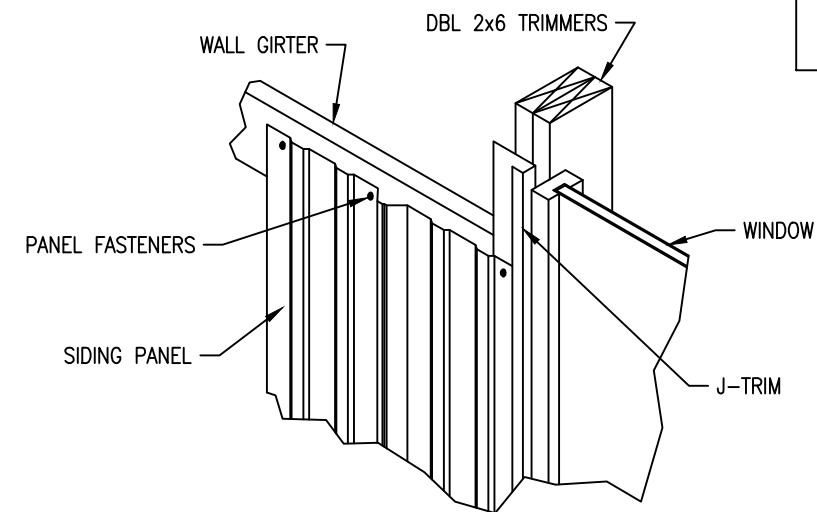
SCALE
AS NOTED

DATE
07/25/2023

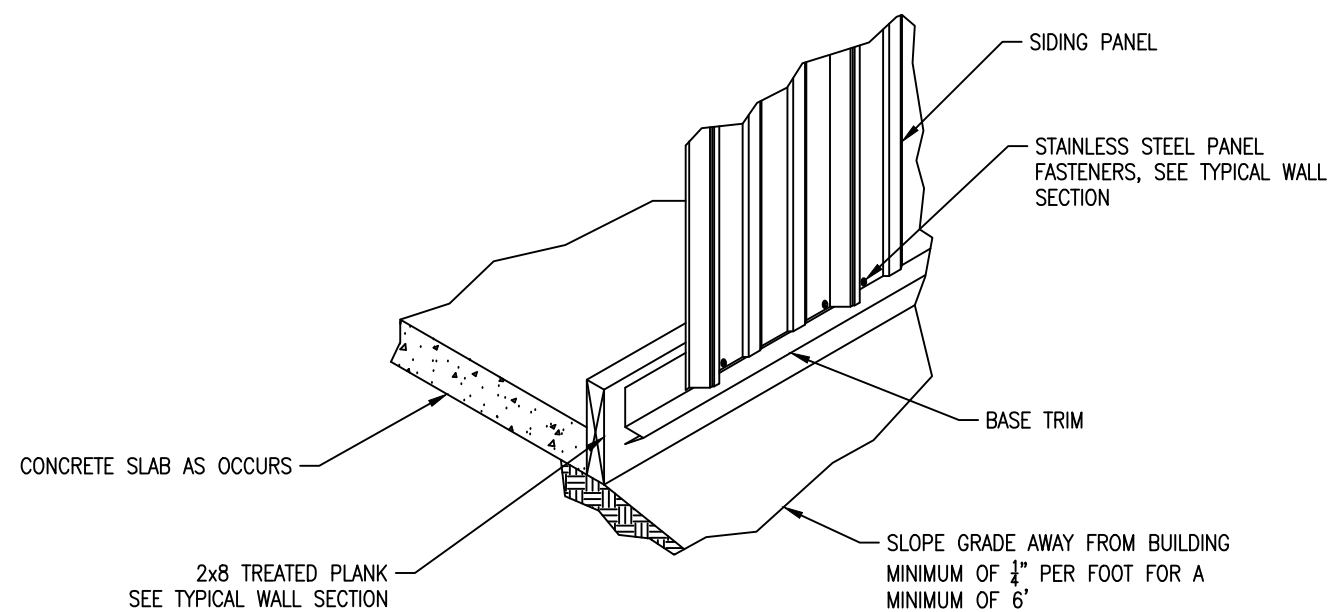
SHEET
08



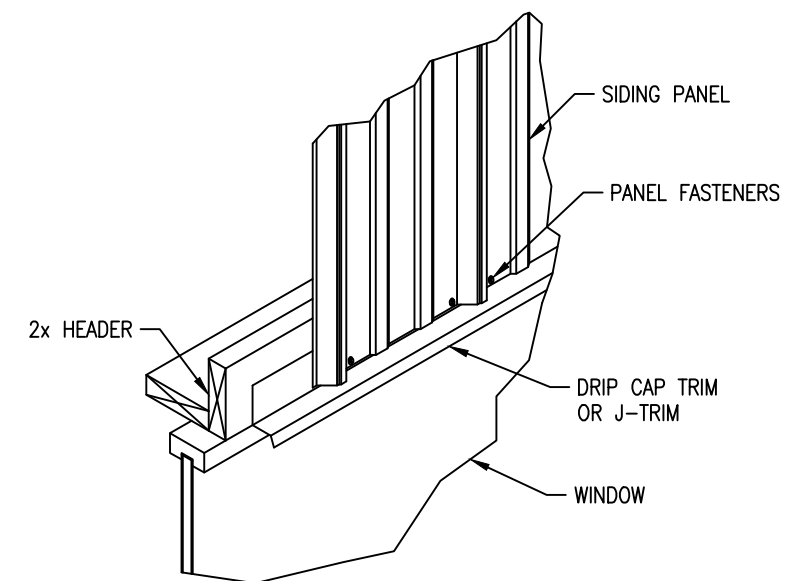
DOOR JAMB FLASHING
NOT TO SCALE



WINDOW JAMB FLASHING
NOT TO SCALE



BASE GUARD FLASHING
NOT TO SCALE

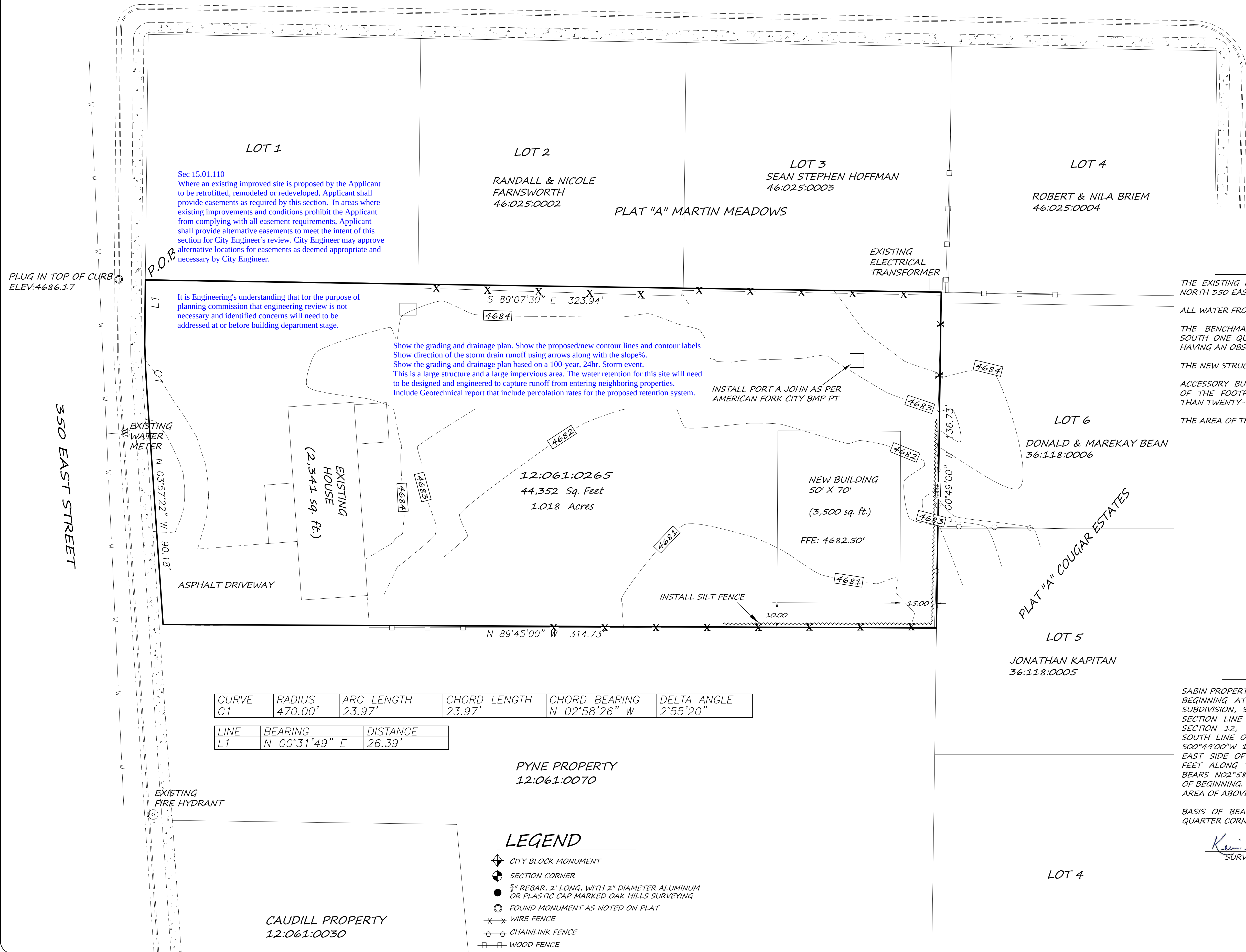


WINDOW / DOOR HEADER FLASHING
NOT TO SCALE

SABIN PROPERTY - SITE PLAN

LOCATED IN SW 1/4 SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SLB&M
AMERICAN FORK CITY, UT

800 NORTH STREET



GENERAL NOTES

THE EXISTING HOUSE LOCATED ON THE PROPERTY HAS A STREET ADDRESS OF 770 NORTH 350 EAST, AMERICAN FORK.

ALL WATER FROM ROOF RUNOFF OF NEW STRUCTURE IS TO BE RETAINED ON SITE.

THE BENCHMARK USED FOR ALL ELEVATIONS DEPICTED ON THIS PLAT IS THE SOUTH ONE QUARTER CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 EAST, HAVING AN OBSERVED ELEVATION OF 4683.02.

THE NEW STRUCTURE WILL HAVE NO UTILITIES RUN TO ITS LOCATION **AT THIS TIME.**

ACCESSORY BUILDINGS SHALL NOT BE LARGER THAN AN AREA TWO TIMES THE SIZE OF THE FOOTPRINT (FOUNDATION) OF THE PRIMARY STRUCTURE, OR COVER MORE THAN TWENTY-FIVE PERCENT OF THE TOTAL REAR YARD AREA OF A LOT.

THE AREA OF THE REAR YARD AREA IS 30,778 SQUARE FEET.

BOUNDARY DESCRIPTION

SABIN PROPERTY: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, PLAT "A" MARTIN MEADOWS SUBDIVISION, SAID POINT BEING LOCATED N89°56'43"W 1911.86 FEET ALONG THE SECTION LINE AND NORTH 284.54 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SLB&M; THENCE ALONG THE SOUTH LINE OF MARTIN MEADOWS SUBDIVISION S89°07'30"E 323.94 FEET, THENCE S00°49'00"W 136.73 FEET, THENCE N89°45'00"W 314.73 FEET TO A POINT ON THE EAST SIDE OF 350 EAST STREET, THENCE N3°57'22"W 90.18 FEET, THENCE 23.97 FEET ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N02°58'26"W 23.97 FEET), THENCE N00°31'49"E 26.39 FEET TO THE POINT OF BEGINNING. AREA OF ABOVE DESCRIBED PARCEL CONTAINS 1.018 ACRES.

BASIS OF BEARINGS IS N89°56'43"W ALONG THE SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 12 TO THE SOUTHWEST CORNER OF SECTION 12.

Kevin S. Bishop
SURVEYOR

JUNE 14, 2023
DATE

Office locations:
American Fork, UT
Ph: (801) 796-3628
kenn@sabinsurveying.com

Member UCL/NSPS

OAK HILLS
SURVEYING

STATE OF UTAH
PROFESSIONAL SURVEYOR
KEYIN S. BISHOP
6508652
JUN 14 2023

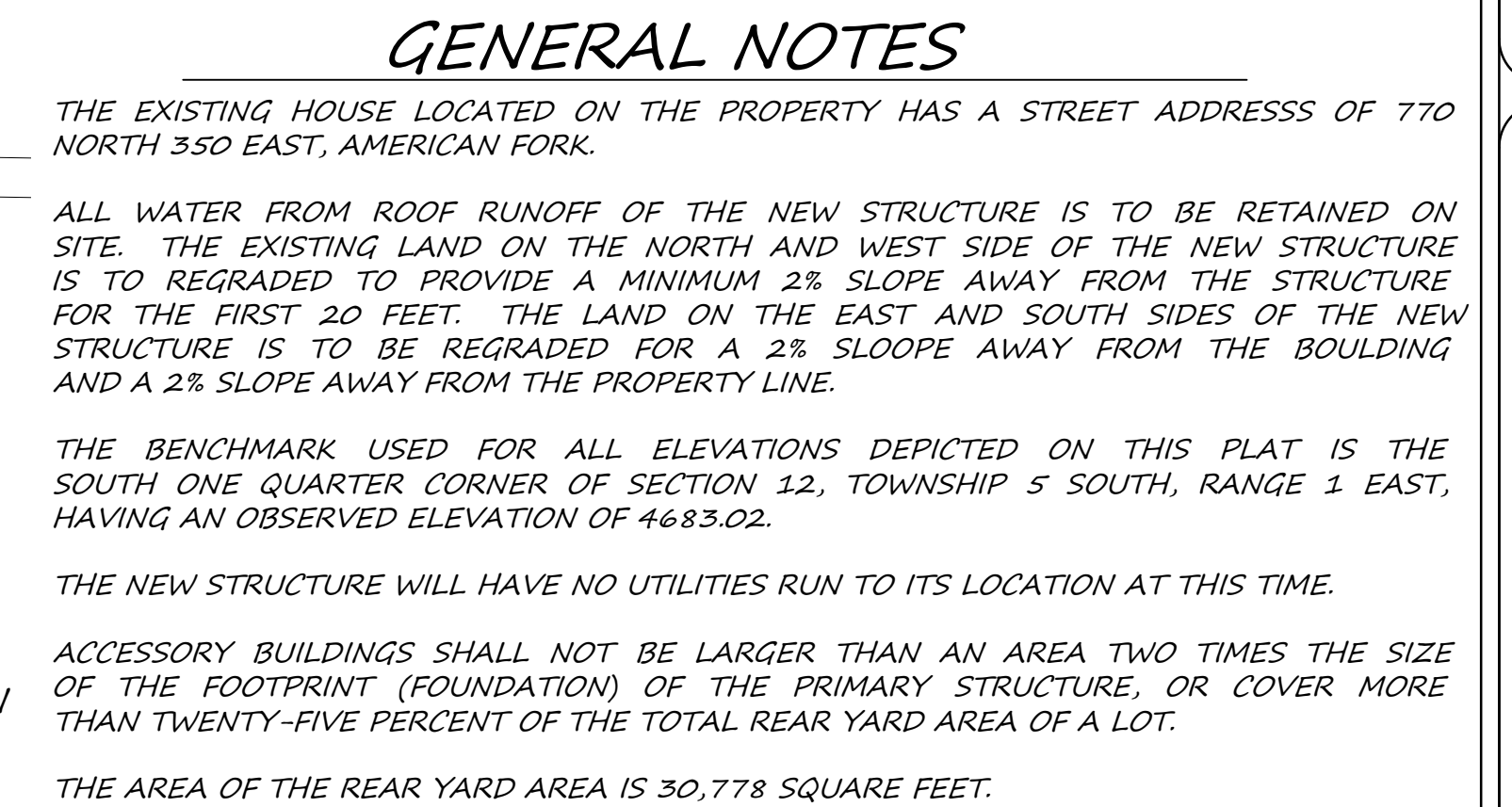
RECORD OF SURVEY FOR: **GRAYSON SABIN**

SECTION: 12	PROJECT ADDRESS: 350 EAST
TOWNSHIP: 5 SOUTH	AMERICAN FORK
RANGE: 1 EAST	
BASE MERIDIAN: SLB&M	CRD No.

PROJECT NO: 23-1211
DRAWN BY: KSB
REVIEWED BY: KSB
APPROVAL DATE: 6/14/23
MAP SCALE: 1" = 20'

SHEET NO.
1 OF 1

LOCATED IN SW 1/4 SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SLB&M
AMERICAN FORK CITY, UT



SABIN PROPERTY:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, PLAT "A" MARTIN MEADOWS SUBDIVISION, SAID POINT BEING LOCATED N89°56'43"W 191.86 FEET ALONG THE SECTION LINE AND NORTH 284.54 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SLB&M; THENCE ALONG THE SOUTH LINE OF MARTIN MEADOWS SUBDIVISION S89°07'30"E 323.94 FEET, THENCE S00°49'00"W 136.73 FEET, THENCE N89°45'00"W 314.73 FEET TO A POINT ON THE EAST SIDE OF 350 EAST STREET, THENCE N55°57'22"W 90.18 FEET, THENCE 23.97 FEET ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS N02°58'26"W 23.97 FEET), THENCE N00°31'49"E 26.39 FEET TO THE POINT OF BEGINNING.
AREA OF ABOVE DESCRIBED PARCEL CONTAINS 1.018 ACRES.

BASIS OF BEARINGS IS N89°56'43"W ALONG THE SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 12 TO THE SOUTHWEST CORNER OF SECTION 12.



OAK HILLS
SURVEYING

Member UCLIS/NSPS

Office locations
Springfield, UT
American Fork, UT

Ph. (801) 796-8288
kevin.coahills@gmail.com



KEVIN S. BISHOP
8506852

Kevin S. Bishop

SURVEYOR SEAL

RECORD OF SURVEY FOR: YKATSON SADDIN	
SECTION: 12	PROJECT ADDRESS: 350 EAST
TOWNSHIP: 5 SOUTH	AMERICAN FORK
RANGE: 1 EAST	
BASE MERIDIAN: SLB&M	CRD No.

DRAWN BY: KSB

REVIEWED BY: KSB

APPROVAL DATE: 6/14/23

MAP SCALE: 1" = 20'

1 OF 1



Agenda Topic

Review and recommendation on a proposed Annexation Agreement, known as AF Utah LLC, located at approximately 6899 S 7750 N, American Fork City, UT 84003. On approximately 13 acres, the property will be annexed into American Fork City and be given the Transit Oriented Development (TOD) zoning designation.

BACKGROUND INFORMATION		
Location:		6899 S 7750 N
Project Type:		Annexation Agreement
Applicants:		AF Utah, LLC
Existing Land Use:		Transit Oriented Development
Proposed Land Use:		N/A
Surrounding Land Use:	North	Transit Oriented Development
	South	Transit Oriented Development
	East	Transit Oriented Development
	West	Transit Oriented Development
Existing Zoning:		Unincorporated Territory
Proposed Zoning:		TOD
Surrounding Zoning:	North	Unincorporated Territory, RA-5
	South	TOD
	East	TOD
	West	TOD

Background

The applicant has applied for annexation within American Fork City. The project area looks to have the TOD zoning designation assigned to the land, which would be for Transit Oriented Developments. As the property resides in the Transit Core – Mixed Use Core any development to be put on this property will have a minimum requirement of 55 dwelling units to the acre. Additionally, any buildings fronting 200 South will have a requirement of 100 percent ground floor office and/or retail space. All buildings fronting any other street in the Transit Core –

Mixed Use Core will require 25 percent ground floor office and/or retail space. The 25 percent equivalent may be satisfied collectively in one building or dispersed throughout the project area in various buildings.

The Annexation Agreement will talk about the Terms and Conditions of the agreement, one of which is the right of way to be conveyed to the City for 200 South and 250 South. 200 South will be classified as a Business Arterial and 250 South as a Local Thoroughfare. At approximately 100 West, located between 200 South and 250 South, there will be right of way conveyed for a pedestrian thoroughfare. All right of way to be conveyed to City will be shown on the street dedication map prepared by the Applicant and approved by the City.

17.20.060 Annexation Agreement

- A. Prior to final approval of any annexation, the proponent of an annexation and American Fork City shall enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may differ on each annexation. Because each annexation agreement may differ, each annexation shall be processed on a case by case basis with no precedent set by previous annexation agreements.
- B. Each annexation agreement shall be signed by both the Mayor of American Fork City, upon ratification by the City Council, and the proponent of the annexation. By signing the annexation agreement, both parties are agreeing to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the City Council and the applicant.
- C. The items listed below are issues that may be addressed in the annexation agreement, but are not necessarily a complete list of items that may be addressed by the City Council or staff.
- D. Each annexation agreement shall include a description of the property, complete with legal description and amount of acreage;
- E. Each annexation agreement shall include the designated zoning. The City Council may require actual density to be included in the annexation agreement, as well as the proposed development layout and provision of services. The circulation pattern for the area and alignment of other City services will be indicated to the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process;

- F. Each annexation agreement will indicate areas proposed for trails, open space, and recreation areas. The agreement will specify ownership of these areas and any proposed maintenance arrangements.
- G. Each annexation agreement shall indicate the transfer and dedication of water rights or entry of a Water Conveyance Agreement. The City Council may require limits of disturbance plans to be indicated along water courses and bodies, steep slopes, wetlands, view sheds, and other environmentally sensitive areas.
- H. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to American Fork City.

Findings of Fact

1. The Annexation Agreement **MEETS** the requirements of Section 17.20.060.

Project Map



Standards Conditions of Approval



APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).



Staff Recommendation

The Annexation Agreement **MEETS** the requirements of Section 17.20.060. Staff recommends **APPROVING** the application.

Potential Motions

Approval

Madame Chair, I move to recommend approval for the proposed Annexation Agreement, located at approximately 6899 S 7750 N, American Fork City, UT 84003, subject to any conditions found in the staff report and recommended by the Fire Marshall.

Denial

Madame Chair, I move to recommend denial for the proposed Annexation Agreement, located at approximately 6899 S 7750 N, American Fork City, UT 84003.

Table

Madame Chair, I move to table action for the proposed Annexation Agreement, located at approximately 6899 S 7750 N, American Fork City, UT 84003, and instruct staff/developer to.....

**ANNEXATION AGREEMENT
(AF Utah LLC Annexation)**

This Agreement, made and entered into this ____ day of _____, 2023, by and between City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as "City") and AF Utah LLC, a Utah limited company, (hereafter collectively referred to as "Applicant"), is based on the following:

RECITALS

WHEREAS, Applicant is the owner of certain parcels of privately-owned real property constituting the entirety of the AF Utah Annexation Area, which annexation is located within the unincorporated territory of Utah County, contiguous to the corporate boundary of the City, and is within the City's proposed expansion area;

WHEREAS, a "Petition for Annexation" (Attachment 1), together with a plat (Attachment 2) have been prepared by the Applicant and show the real property proposed for annexation (hereafter referred to as "Annexation Area");

WHEREAS, in accordance with the provisions of UCA 10-2-402, the American Fork City Council has heretofore adopted Resolution No. 2023-01-03 R, accepting the Petition for Annexation;

WHEREAS, notice of hearing regarding the proposed annexation has been published and the public hearing thereon held;

WHEREAS, the City Council has determined that annexation of the Annexation Area is in the best interest of the City and has indicated an intent to: (1) enact an ordinance of annexation relating thereto, subject to the prior execution of this Agreement, and (2) authorize the recording of the annexation plat at the office of the Utah County Recorder, subject to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

NOW THEREFORE, based on the above recitals and in consideration of the annexation of the Annexation Area to the City, the parties covenant and agree as follows:

SECTION 1 - Applicability of Agreement: The real property to which the terms of this Agreement apply shall be the parcels of private property within the Annexation Area, identified on Attachment 2. Attachment 2 is hereby made part of this Agreement.

SECTION 2 - Annexation a benefit to Applicant: Applicant and City acknowledge that the City is not required to approve the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered into freely and voluntarily. Further, Applicant hereby acknowledges and agrees that the benefit received from annexation of the property is equal to or greater than the requirements and conditions of annexation as set forth in this Agreement and the conditions of the development as set forth herein and under the terms of

the City's Development Code and Impact Fee Ordinance does not constitute a taking as defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

SECTION 3 - Authority of Applicant: Applicant hereby affirms that it is the current owner of the total private land area within the Annexation Area and has complete authority to enter into this Agreement and bind the property hereto.

SECTION 4 - Compatibility with Land Use Plan and Initial Zone Classification: The Land Use Element of the General Plan shows the Annexation Area classified as Transit Oriented Development. Therefore, the zone classification attached to the parcel shall be Transit Oriented Development, with a specific district assignment of Transit Core Mixed-Use Core, for areas designated as such under the Land Use Plan. A map illustrating the zone classification (Attachment 3a) has been prepared by the City and is made part of this agreement, along with an accompanying map designating the TOD district (Attachment 3b).

SECTION 5 - Right-of-way to be Conveyed: The City's Transportation Element of the General Plan provides for the development of 200 South as a Transit-Oriented Development Business Arterial and the City's Transit-Oriented Development Overlay identifies 250 South as a local thoroughfare. As a condition of annexation, Applicant hereby agrees to convey to the City any right-of-way necessary for 200 South and 250 South in the location shown on the street dedication map prepared by the Applicant and approved the City (Attachment 4). Applicant shall have no obligation to construct any right-of-way improvements unless and until any improvement or development occurs within the Annexation Area, subject to the provisions as outlined in the American Fork City Development Code Section 17.5.126 (Minimum Level of Improvements Required). Applicant shall be responsible for the cost of all Minimum Level of Improvements at the time of improvement or development if not already constructed at time of development.

The Transit-Oriented Development Overlay identifies placement of a pedestrian thoroughfare connecting at approximately 100 West between 200 South and 250 South through the Annexation Area. As a condition of annexation, Applicants hereby agree to convey to the City any right-of-way necessary for the pedestrian thoroughfare in the locations shown on the plat prepared by the Applicant and approved by the City (Attachment 4). Applicants shall have no obligation to construct any pedestrian improvements unless and until any improvement or development occurs within the Annexation Area, subject to the provisions as outlined in the American Fork City Development Code Section 17.5.126 (Minimum Level of Improvements Required). Applicant shall be responsible for the cost of all pedestrian improvements at the time of improvement or development.

Applicant shall have no obligation to construct any improvements to the ROWs unless and until any improvement or development occurs within the Annexation Area, subject to the provisions as outlined in the American Fork City Development Code Section 17.5.126 (Minimum Level of Improvements Required).

SECTION 6 - Conveyance of Water Right: American Fork City Code 17.1.400, Conveyance of Water, requires conveyance of water shares/rights at the time of annexation

unless the City determines that there is good and sufficient reason to delay the time of the conveyance. City and Applicant acknowledge and agree that the parties are unable to determine the quantity of shares/rights required for the Annexation Area at the present time and therefore, the City authorizes a delay in the time of conveyance of water shares/rights until the time of development. A Water Delay Agreement is hereby entered into by the parties and is incorporated into this Agreement as Attachment 5.

SECTION 7 - Open Ditches to be Piped: Applicant acknowledges that it is its burden in full to pipe any and all gravity irrigation conveyances (ditches), to the standards of the City and to the standards of the applicable irrigation company or private ditch easement holders as part of any forthcoming development project.

SECTION 8 - Property Taxes and Rollback Taxes to be Paid on any Right-of-Way Dedicated to City: Applicant agrees to pay any outstanding property taxes on the Annexation Area including any and all rollback taxes if the subject area is classified as "Greenbelt" with the Utah County Tax Assessor, for any areas identified as ROW to be dedicated to City. Proof of payment of these taxes shall be required prior to recording of this Agreement.

SECTION 9 - Impact Fees: No impact fees are required to be paid at this time as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that Applicant or any successor may have for the payment of impact fees required as a condition of development of the Annexation Area or any portion thereof. Applicant acknowledges that no development approval or building permit shall be issued until all applicable fees required by City ordinance have been paid at the amount then in effect.

SECTION 10 - Default: In the event either party seeks to enforce the terms hereof in a lawsuit or other proceeding, the prevailing party shall be entitled to an award of the costs incurred, including reasonable attorney fees.

SECTION 11 - Notice: Any notice to be given hereunder shall be given by certified mail, return receipt requested, addressed as follows:

- a. If to the City, to the City of American Fork, 51 East Main Street, American Fork Utah, 84003.
- b. If to Applicant, to Christopher Simms, 4821 Atlantic Blvd, Jacksonville, Florida 32207

SECTION 12 - Entire Agreement: This Agreement constitutes the entire agreement between the parties and may be changed only in writing signed by all parties.

SECTION 13 — Severability: The provisions of this Agreement shall be deemed to be severable, and if any provision of this Agreement is determined to be invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect or limit the validity or enforceability of the remaining provisions hereof.

SECTION 14 - Binding Effect: This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

IN WITNESS WHEREOF, the parties have signed this agreement on the date first mentioned above.

AMERICAN FORK CITY

Bradley J. Frost, Mayor

ATTEST:

City Recorder

Attachment 1

Notice of Intent to File an Annexation Petition

Pursuant to Utah Code Ann. §10-2-403(2), notice is hereby given that the person or persons identified below intend to file an annexation petition with American Fork City. The area proposed for annexation is commonly described as the AF Utah, LLC Annexation and consists of 13 acres at approximately 6899 S 7750 North. Further, an accurate map of the area that is proposed to be annexed is attached to this notice.

Person or persons intending to file annexation petition:

Contact Petitioner:

Name: Christopher Simms, Manager AF Utah, LLC

Address: 4821 Atlantic Blvd, Jacksonville FL 32207

Phone Number: 704-941-8101

Email: chrissimms@gmcapartmentlife.com

Petitioner:

Name: AF Utah, LLC

Address: 4821 Atlantic Blvd, Jacksonville FL 32207

Phone Number: 704-941-8101

Email: chrissimms@gmcapartmentlife.com

Petitioner:

Name: _____

Address: _____

Phone Number: _____

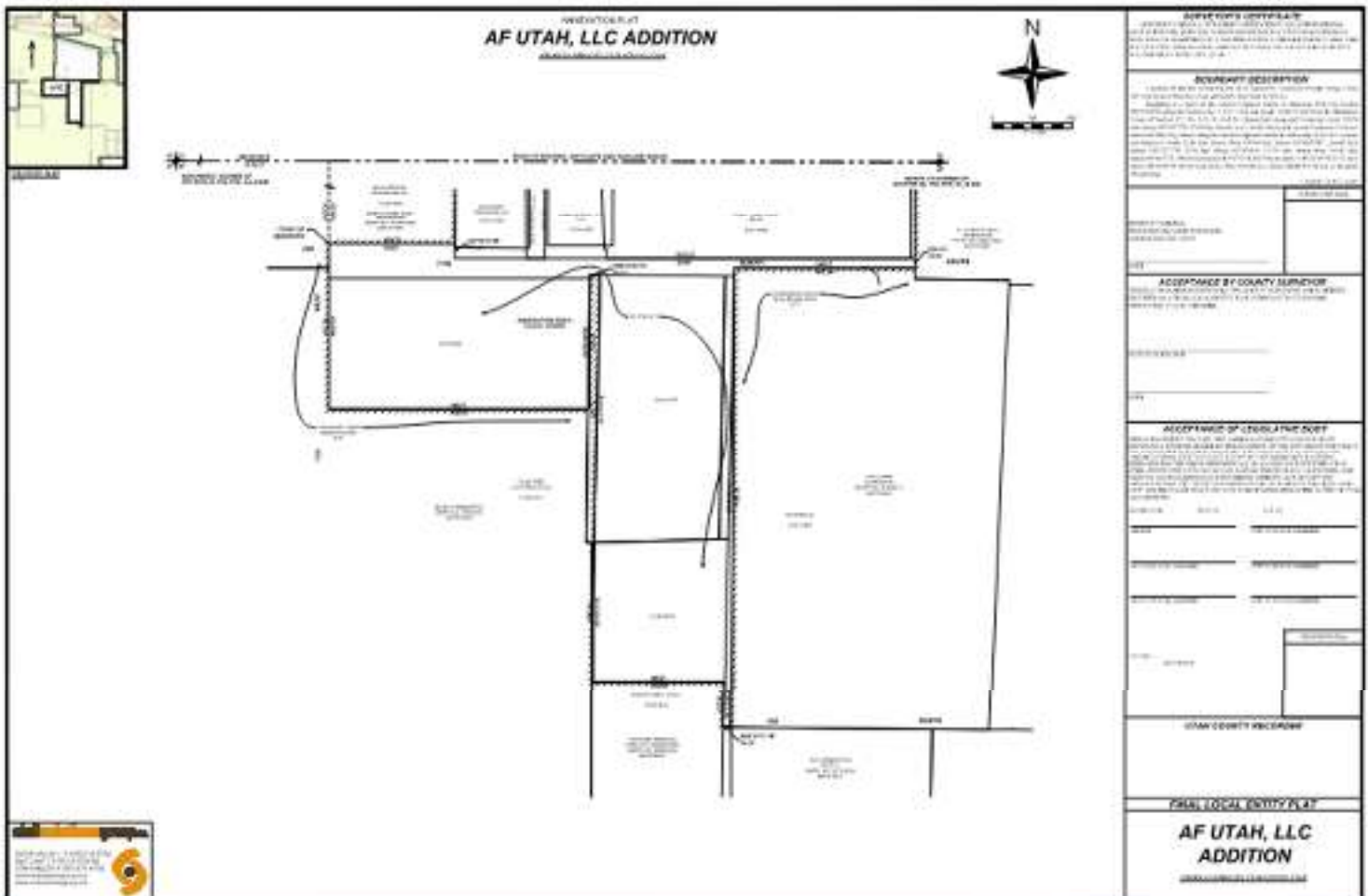
Email: _____

- This notice of intent must also be sent to affected entities.
- The petitioner(s) must submit a written request to the county to mail the required notice and pay the county the estimated cost of mailing the required notice. Please see attached letter from Utah County.

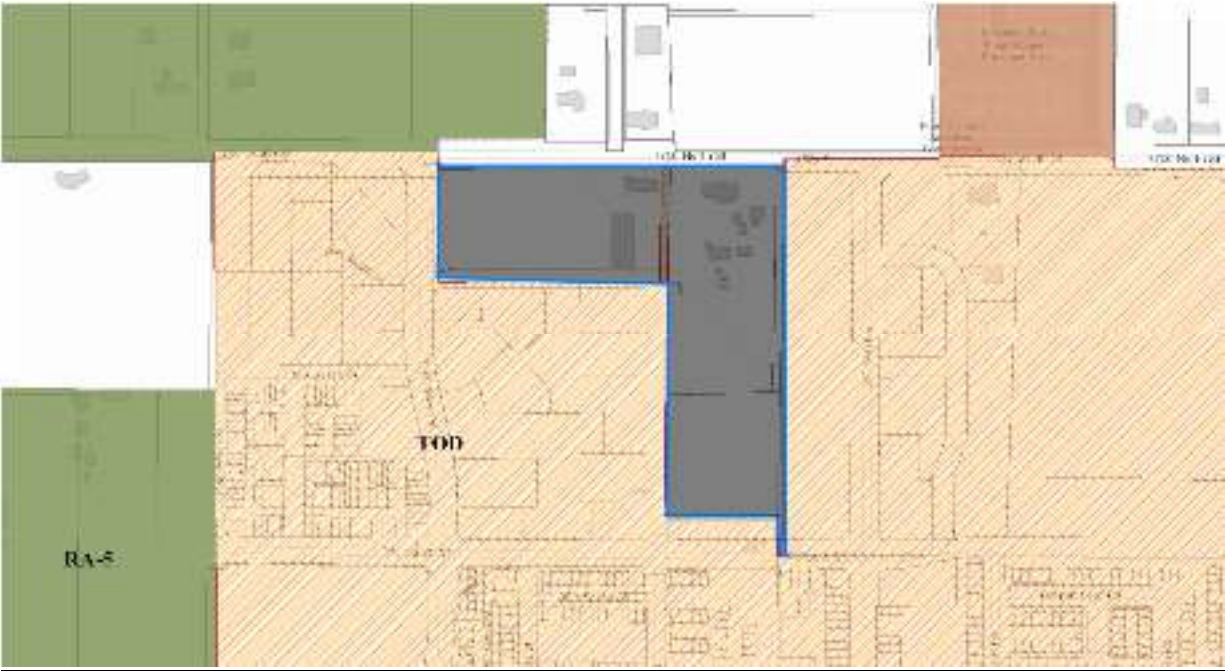
Attachment 2

A portion of the NW1/4 and the SW1/4 of Section 22, Township 5 South, Range 1 East, Salt Lake Base & Meridian, more particularly described as follows: Beginning at a point on the current Corporate Limits of American Fork City located S89°53'29"E along the Section line 1,113.17 feet and South 1,540.33 feet from the Northwest Corner of Section 22, T5S, R1E, S.L.B. & M.; thence East along said Corporate Limits 318.76 feet; thence S0°55'57"W 37.54 feet; thence East 1,165.63 feet to said current Corporate Limits of American Fork City; thence along the current Corporate Limits the following 12 (twelve) courses and distances: South 23.88 feet; thence West 457.04 feet; thence S0°20'20"W 1,166.48 feet; thence N89°22'17"W 19.70 feet; thence N1°17'46"E 117.95 feet; thence West 336.00 feet; thence N0°46'31"E 350.26 feet; thence N1°17'37"E 680.79 feet; thence N89°21'09"W 25.71 feet; thence S0°52'49"W 339.02 feet; thence West 656.00 feet; thence North 417.58 feet to the point of beginning.

Contains: 14.90+/- acres

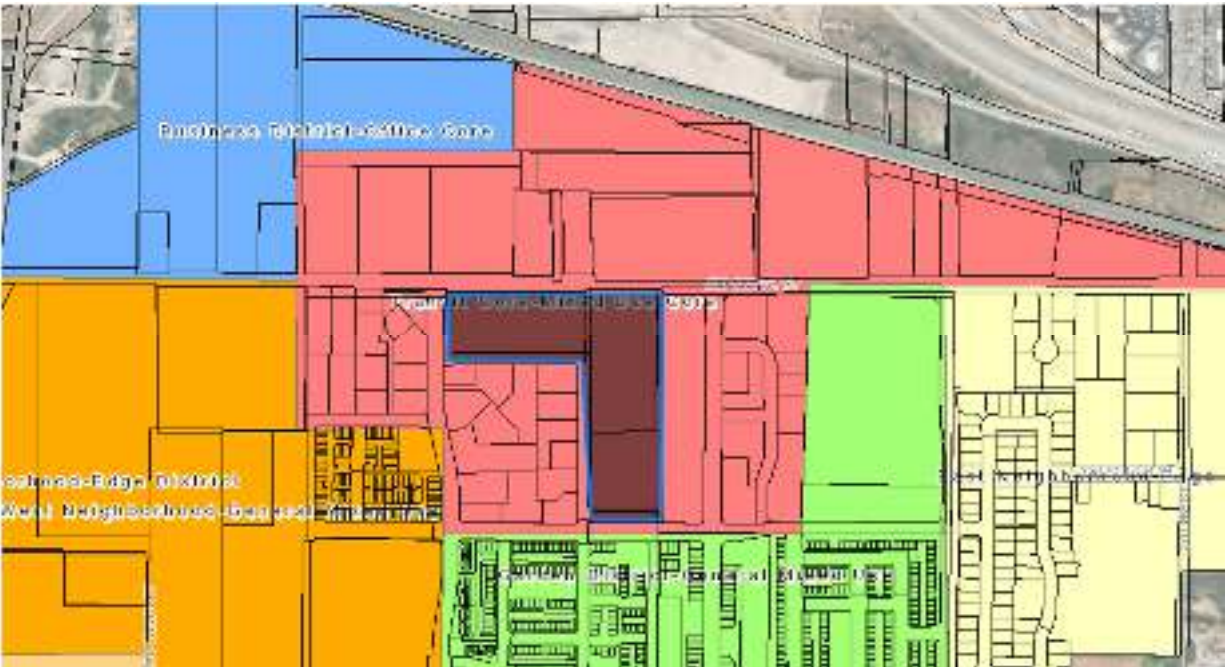


Attachment 3 A



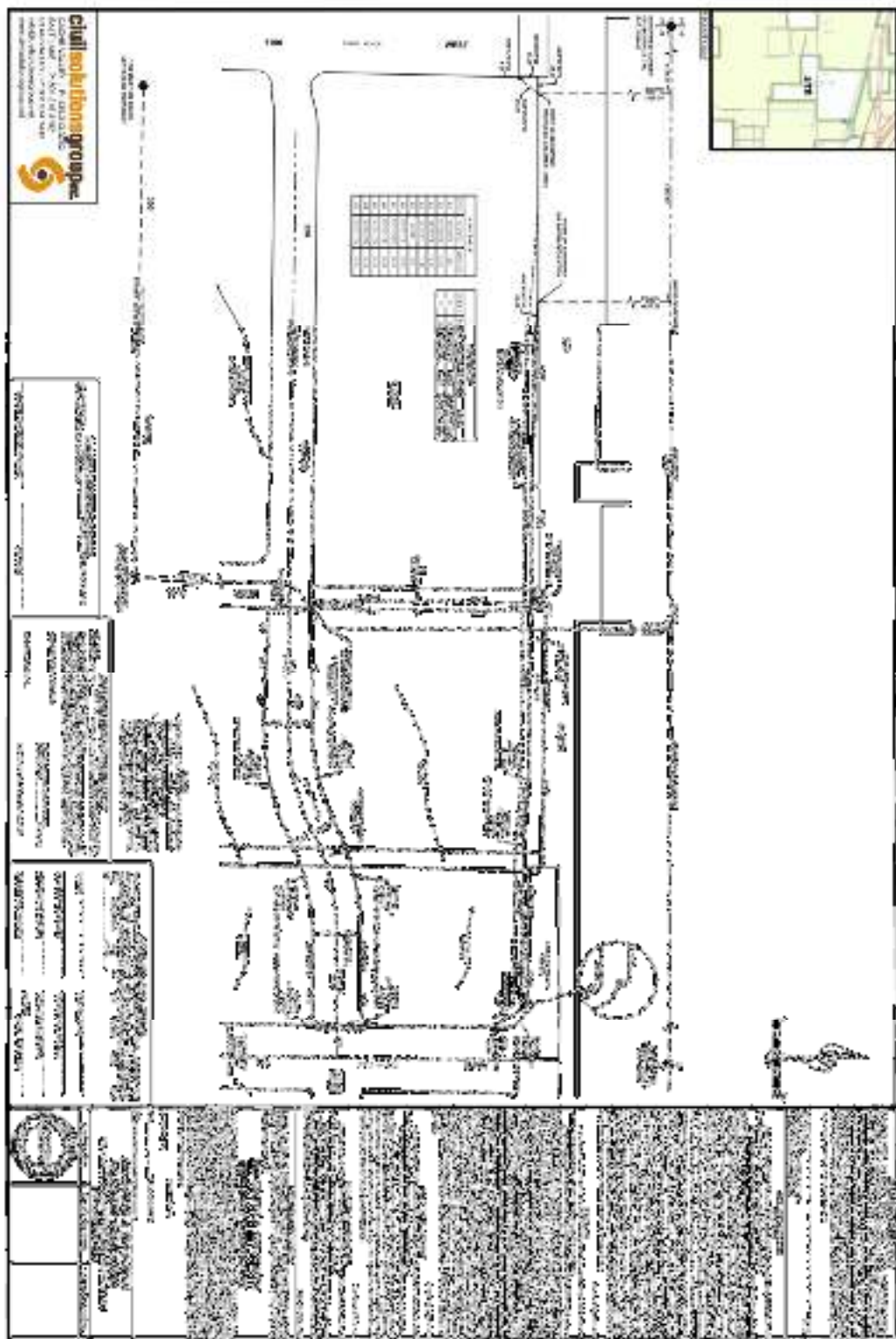
3 A highlights the zoning designation as Transit Oriented Development (TOD)

Attachment 3 B



3 B illustrates the district designation of the annexation property as Transit Core-Mixed Use Core and is subject to all of the zoning and district requirements outlined in Sec 17.6.608 of the American Fork Municipal Code

Attachment 4



Attachment 5

WATER DELAY AGREEMENT FOR ANNEXATION

This Water Delay Agreement for Annexation (“**Agreement**”) is entered into as of the ____ day of _____, 20__ (“**Effective Date**”), by and between _____ (“**Owner**”), and AMERICAN FORK CITY, a municipal corporation and political subdivision of the State of Utah (“**City**”).

RECITALS

WHEREAS Owner is the owner of Parcel Nos. _____ (“**Property**”), which are located outside of the City’s current municipal boundaries; and

WHEREAS Owner has filed with the City a request to have the Property annexed into the City (“**Annexation Request**”); and

WHEREAS Section 17.1.400(C) of the City Code requires the conveyance of title to water rights concurrently with final action by the City Council on an annexation, except under pursuant to certain findings, terms, and conditions; and

WHEREAS City and Owner desire to enter into this Agreement as part of the findings, terms, and conditions required under Section 17.1.400(C) of the City Code.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants hereafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and City, incorporating the recitals set forth above, agree as follows:

AGREEMENT

1. Determination of City Council. The City Council, with the recommendation of the City Planning Commission, has determined that there is good and sufficient reason to delay the time of conveyance of water rights and/or water shares beyond the time of the City Council’s final action on the Annexation Request. This determination was made in the City Council meeting held on _____, 20__. The basis and reasoning for the City Council’s determination are included within the recording, minutes, and other documentation from said City Council meeting.

2. Water Rights/Shares. The specific water rights and/or water shares that may be conveyed to the City, and that pursuant to the terms and conditions of this Agreement are hereby committed to the City, which commitment is irrevocable by Owner and may be released by the City only as provided in this Agreement (“**Committed Water**”), are identified in Exhibit A of this Agreement.

3. Conveyance of Committed Water. Prior to the City’s approval of any development on the Property that will require the delivery of water, the City will determine the amount of water rights/shares required for dedication and conveyance to the City in order to meet the water requirements of the development. Owner will convey clear title to the required amount of the Committed Water to the City. If the amount of water necessary for the development is less than the total amount of the Committed Water, the City will release the commitment (provided in paragraph 2 above) as to the unnecessary portion of the Committed Water. If the amount of water necessary for the development is more than the total amount of the Committed Water, Owner shall convey additional acceptable water rights/shares to the City to meet the dedication requirements. If the Committed Water consists of any water rights, the conveyance shall be by Warranty Deed and an accompanying Water Rights Deed Addendum. If the Committed Water consists of any water shares, the conveyance shall be by assignment, endorsement, and delivery of the appropriate share certificates. Owner

acknowledges that under the Article XI, Section 6 of the Utah Constitution, City is prohibited from returning to Owner any portion of the Committed Water once it has been conveyed to the City.

4. Change Application. If any of the Committed Water consists of water rights, an express prerequisite for conveyance shall be the filing and approval of an Application for Permanent Change of Water (“**Change Application**”) with the Utah Division of Water Rights (“**Division**”) to convert the water rights to municipal use to be diverted from the City’s wells. Prior to the filing of the Change Application, the water rights shall be reviewed by the City’s water attorneys to ensure that the water rights are suitable for dedication. The City’s water attorneys shall also prepare and prosecute the Change Application, with the full assistance and support of Owner. The water rights will be deemed acceptable for conveyance to the City under this paragraph upon the issuance of an Order approving the Change Application that is acceptable to the City and upon expiration of all applicable deadlines for requests for reconsideration and/or appeal of the Order. Owner shall be responsible for all costs associated with the Change Application, including but not limited to the City’s attorney fees, application filing fees, and document fees.

5. Title to Committed Water. Owner shall convey unencumbered title to the Committed Water to the City. If the Committed Water consists of water rights, the City will obtain a water rights title insurance policy for the water rights. Owner shall be responsible for all costs associated with the water rights title insurance, including but not limited to the policy premium and recording fees. Owner shall be responsible for satisfying the requirements and conditions of the Title Commitment in order for the title company to issue a title insurance policy that is acceptable to the City. A water rights title insurance policy that is agreeable to the City is an express condition to the acceptability of the water rights for dedication and conveyance to the City. If the Committed Water consists of water shares, the City will obtain written confirmation of share ownership and current payment of all assessments from the respective water company/companies. Owner shall be responsible for all costs associated with obtaining the written confirmation. From the date of this Agreement until the Committed Water is conveyed to the City, Owner shall not sell or otherwise dispose of the Committed Water, nor shall Owner allow any liens or encumbrances upon the Committed Water that would prevent Owner from conveying unencumbered title to the Committed Water to the City.

6. Cessation of Owner’s Use. Upon conveyance of the Committed Water to the City, Owner shall immediately cease any and all use of the Committed Water.

7. Successors and Assigns. Pursuant to the terms of this Agreement, Owner shall have the right to assign its rights, duties, and obligations. The parties acknowledge that the rights, duties, and obligations of Owner will also apply to any successor or assign of Owner, and that the use of the term “Owner” in this contract includes Owner’s successors or assigns.

8. Ownership of Water Facilities. Nothing in this Agreement shall alter the ownership of any wells or other water facilities of Owner or City.

9. Entire Agreement. This Agreement represents the entire agreement between the parties and supersedes all prior agreements and understandings concerning the commitment and conveyance of water rights for the Property. This Agreement shall not be amended, modified, or terminated except by written instrument signed by all parties.

10. Construction and Enforcement. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah. This Agreement may be specifically enforced.

11. Third Party Beneficiaries. This Agreement is not intended to and shall not create any rights in any person or entity not a party to this Agreement.

12. Attorney Fees. In any action arising out of this Agreement, the prevailing party shall be entitled to costs and reasonable attorney fees.

13. Further Assurances. After the execution of this Agreement, the parties agree to execute and deliver such documents, and to take or cause to be taken all such other actions, as either party may reasonably deem necessary or appropriate in order to carry out the intents and purposes of this Agreement.

14. Severability. If any term, covenant, or condition of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and the remainder of the Agreement shall remain in full force and effect.

15. Authority of Parties. The persons signing this Agreement represent and warrant that they have full authority to do so and that their corporation or entity has undertaken and obtained whatever formalities and approvals are necessary to enter into this Agreement.

16. Counterparts. This Agreement may be executed in multiple counterparts, all of which taken together shall comprise one agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

AMERICAN FORK CITY

Bradley J. Frost, Mayor

Attest: _____
Terilyn Lurker, City Recorder

STATE OF UTAH)
)
)ss
COUNTY OF _____)

On the ____ day of _____, 20____, personally appeared before me Bradley J. Frost and Terilyn Lurker, known to me to be the Mayor and City Recorder, respectively, of American Fork City, who acknowledged to me that they executed the within Water Delay Agreement pursuant to the approval and authorization of the City Council at a regular meeting at which a quorum was in attendance.

NOTARY PUBLIC

[OWNER]

STATE OF UTAH)
)
)ss
COUNTY OF _____)

On the ____ day of _____, 20____, _____ personally appeared before me and

duly acknowledged that he/she executed this Water Delay Agreement for the purposes stated therein.

NOTARY PUBLIC

EXHIBIT A

Description of Water Rights and/or Water Shares Committed to the City